

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

March 8, 2011

Public Invited – Public Participation

MEETING CALLED TO ORDER by Council President Fox at 7:35 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 March 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.

ORDINANCES

Second Reading(s) and Public Hearing(s) – March 15, 2011 ON

Amending and Supplementing Chapter 290, Parks, Recreation Areas and Public Lands, Article II, Use Regulations; Permit Requirements (2011:01) Mayor Barberio indicated that an interpretation of the ordinance is required prior to further consideration.

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Formalizing Council Liaison to the Emergency Services Council (2011:02) Council President Fox advised that he will appoint Councilman Cesaro to serve as liaison to the Emergency Services Council.

Formalizing Council Liaison to the Board of Education (2011:03) Council President Fox noted that Councilman Stanton will serve as liaison to the Board of Education.

Status of Adopted Ordinances: None

DISCUSSION/REMINDERS

Scheduled Meetings

3/15/11 @ 7:30 p.m.

**Regular Meeting
Public Invited – Public Participation**

4/5/11 @ 7:30 p.m.

**Agenda Meeting
Public Invited – Public Participation**

Minutes for Approval:

Agenda Meeting of 2/8/11 ON*

Regular Meeting of 2/15/11 ON*

Appointments:

Economic Development Advisory Committee

Member – 2 Year (First) Term (12/31/11)

Member – 2 Year (First) Term (12/31/11)

Member – 2 Year (First) Term (12/31/11)

Member – 3 Year (First) Term (12/31/12)

Member – 3 Year (First) Term (12/31/12)

Member – 3 Year (First) Term (12/31/12)

ON HOLD PENDING

ORDINANCE AMENDMENT

Council President Fox directed the Township Clerk to remove this item from the agenda at this time. The matter will be placed back on the agenda when the Mayor is ready to move forward with a recommendation.

MAYOR

Presentation of 2011 Municipal Budget to the Township Council (3/11) Mayor Barberio noted that the Council Members received the 2011 Budget today. He read the following into the record:

To the Members of the Parsippany - Troy Hills Township Council:

Tonight, I present to you the 2011 Township Budget. Please note, especially, that this is still a work-in-progress. My administration continues to look for additional opportunities for budget cuts and these will be presented to the Council at a later date.

This is the first year that the Township was subject to a 2% levy cap with very few waivers. This is an extremely difficult year in which to craft a budget. Revenues continue to decline while health insurance and pension costs continue to rise.

I am very pleased to note that with the waivers allowed by the State, the Township's current levy is well below the mandated cap. Additionally, we were able to regenerate surplus utilized in 2010 and therefore, were able to increase the amount of surplus to apply to the 2011 Budget. Hotel tax revenues which had declined in 2008 and 2009 rose slightly in 2010. With a second paid ambulance, we anticipate that ambulance billing revenues will also increase. Construction fees, however, continue on a downward trend.

A summary of the budget as currently proposed is as follows:

- *The current fund budget has increased by \$926,474 (1.5%) from \$60,773,260 to \$61,699,734.*
- *Revenues have declined by \$18,279 (.1%).*
- *The tax levy has increased by \$944,753 (2.3%) from \$41,706,477 to \$42,651,230. The tax rate has increased 3.4% resulting in a municipal tax bill increase of \$59 annual or \$4.92 per month for the average assessed home of \$309,000.*

Significant increases to the budget are shown in the chart below. If you review the budget summary pages, you will note that almost all other line items are at lower levels than 2010.

Largest Increases:

<i>Health Benefits</i>	<i>\$</i>	<i>1,697,100</i>
<i>Workers Compensation</i>	<i>\$</i>	<i>130,500</i>
<i>Reserve for Uncollected</i>	<i>\$</i>	<i>50,000</i>
<i>PFRS (Police Pension)</i>	<i>\$</i>	<i>637,022</i>
<i>PERS</i>	<i>\$</i>	<i>238,980</i>
<i>Gasoline</i>	<i>\$</i>	<i>70,000</i>

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There were no sizable cuts in any one line item of the Budget; however, cuts were made throughout. The anticipated cost of electricity and natural gas has been reduced based on expected savings from membership in the NJSEM (purchasing group) and many energy conservation measures undertaken during 2010. Personnel have been scaled back to the extent possible. As in 2010, we have taken advantage of certain retirements and resignations, but will not be able to adopt a strict hiring freeze. As you know, our Police Department has individuals retiring at an alarming rate. Already from January until now, four officers have retired; we are anticipating four more retirements, which brings us under the 95 threshold.

On the expenditure side, we propose to take advantage of recently enacted legislation which allows the Township to defer 80% of the cost of the retirement payouts to the next four years. This resulted in a sizable “savings” to the 2011 budget of \$716,755.

General revenues, other than taxes, have declined by 1.2%. Fortunately, “State Aid” remained at the 2010 level. The most significant declines in revenue are anticipated from the following:

<i>Current Capital Surplus</i>	<i>\$</i>	<i>119,000</i>
<i>Interest</i>	<i>\$</i>	<i>30,000</i>
<i>Sharkey's Reserve</i>	<i>\$</i>	<i>752,000</i>
<i>Reserve to Pay Debt Service</i>	<i>\$</i>	<i>396,000</i>
<i>Delinquent Taxes</i>	<i>\$</i>	<i>140,000</i>
<i>Construction Fees</i>	<i>\$</i>	<i>300,000</i>
<i>Library</i>	<i>\$</i>	<i>122,250</i>

On a positive note, anticipated revenues were increased in a number of areas:

<i>Surplus</i>	<i>\$</i>	<i>200,000</i>
<i>Fees & Permits</i>	<i>\$</i>	<i>140,000</i>
<i>Court Fines</i>	<i>\$</i>	<i>30,000</i>
<i>Interest & Costs of Taxes</i>	<i>\$</i>	<i>77,000</i>
<i>Transfer Station Host Fees</i>	<i>\$</i>	<i>200,000</i>
<i>Ambulance</i>	<i>\$</i>	<i>250,000</i>
<i>Animal Control Shared Services</i>	<i>\$</i>	<i>25,000</i>
<i>Health Care Contributions</i>	<i>\$</i>	<i>200,000</i>
<i>Sewer Surplus</i>	<i>\$</i>	<i>700,000</i>

In proactively attacking the 2011 & 2012 budgets, my administration will, throughout this year, continue to look for new revenue sources and opportunities to reduce staffing and other costs. We expect to install a solar project at the Community Center. We will also be reconsidering the sanitation and recycling function to assess the impact of one-day-per-week garbage pick-up during non-summer months and maybe even privatization. We will pursue additional opportunities for shared services. Finally, economic development and redevelopment opportunities will be diligently pursued to increase the Township's ratable base.

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The Mayor further indicated that the Township will be conducting a study regarding the Sanitation Department to determine what is most cost effective. He is also considering the possibility of offering sanitation services to other municipalities, not shared services, but profit making services.

Regarding the Police Department Budget, Council President Fox noted that there is some legislation being considered that may drive up the retirement rate. Mayor Barberio indicated that he is aware of this legislation and is anticipating that, if this legislation is adopted, we could lose 14 police officers, placing us at a dangerously low level. Our ordinance allows us to have as many as 113; we are down to 95 as of today, which the DCA report concluded should be our minimum. We will be going below 95 this year, which can prove to be a huge issue in the future. Mayor Barberio stated that he is not willing to place a hiring freeze on the Police Department. Council President Fox indicated that his biggest concern with the Budget is the Police Department because the primary function of government is to protect its citizens, not for libraries, or roads, or recreation. He felt that the number of officers is getting dangerously low.

Mayor Barberio stated that the Township over the last two years has lost a significant amount of funding on the school side and on the municipal side. It is going to get to a point where vital services will be affected if the State continues to divert revenues to its budget.

The following Council Budget Review Meetings were scheduled:

- **Monday, March 14, 2011 (3:30 p.m. - 6:30 p.m.)**
- **Friday, March 18, 2011 (4:00 p.m. – 6:30 p.m.)**
- **Saturday, March 19, 2011 (commencing at 9:00 a.m.)**

ADMINISTRATION

BID(S)

Taken:

- | | |
|---------|--|
| 2/10/11 | One New Material Transport System (To be Installed on an Existing Township Vehicle Chassis) for the Parks and Forestry Department <u>BID AWARD*</u> |
| 2/17/11 | Various Materials for the Municipal Utilities and Public Works <u>BID AWARD*</u> |
| 2/24/11 | Transportation and Disposal of Sewage Sludge Cake <u>NEXT AGENDA</u> |
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To Be Taken:

3/22/11 @ 11:00 a.m. Electric Generation Supply Service

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

Resolution(s):

Intending to Join the Morris County Adaptive Recreation Program (McARP) (3/11) ON*

Reappointing Anthony J. Frese as Chief Municipal Court Judge (3/11) ON*

Authorizing the Business Administrator to Execute a Contract for the Provision of Electric Generation Service to the Wastewater Treatment Plant (3/11) ON*

Amending the Resolution Granting Fee Exemptions, Adopted on January 4, 2011, to Include Fees in Connection with Permits Issued by the Department of Parks, Forestry and Recreation (3/11) ON*

Authorizing a Waiver of Chapter 285, Noise, of the Municipal Code, to Allow Night Time Construction for Milling and Paving Work of the Portion of Route 46 Located in the Township (3/11) ON* (See Engineer's Status Report)

Confirming the Appointment of Peter J. King, Esq. as Municipal Prosecutor and Awarding a Contract for Professional Services (3/11) ON*

Approving Emergency Purchase of Dishwasher for Knoll East (3/11) ON*

ENGINEERING

Update/Recommendation(s):

Italicized comments below are excerpts from a March 3, 2011 memo from Mr. Lizza, Municipal Engineer, to Ms. Lim.

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) *The result of the diagnostic team meeting from June 2009 showed that the only acceptable method of implementing a quiet zone at the Powder Mill Road grade crossing would be if the rail crossing was upgraded to include 4 quadrant gates as well as other ancillary warning devices. The cost for the quad gates is over \$700,000 not including improvements to the dam, power-out warning devices and a 20 year maintenance obligation. We are investigating an option whereby wayside horns are installed to alert motorists of approaching trains. The wayside horn demonstration is tentatively scheduled for the first week in April.* **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. No changes are proposed as part of this extension therefore this office has no objection to the Township Council granting the extension until December 31, 2015 by resolution pending information from the applicant.* **NEXT AGENDA**

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Noise Waiver – Route 46 Westbound Resurfacing (3/11) *The NJDOT has scheduled to resurface Route 46 West from Two Bridges Road in Fairfield to the Route 287 overpass in Parsippany and has requested a waiver from our noise ordinance. The project will consist primarily of the resurfacing of the roadway and will include road joint repairs, shoulder and driveway improvements where needed and minor drainage work. Most of the work, with the exclusion of shoulder and driveway improvements, will be performed overnight. The overall project is scheduled to begin on March 14, 2011 and should be completed by August 1, 2011. **This office has no objection to the granting of a noise ordinance waiver.***

Change Order #1 for the Washington Avenue, Phase II Reconstruction Project (3/11) *The project is complete and a change order is required to adjust the contract quantities based on the as-built conditions. The original bid amount was \$287,924.78 awarded to Jenicar Builders Contractors Co., Inc. and the final as-built cost of the project is \$273,640.12. This change order represents the final as-built quantities and corresponds to a decrease of 4.96%. **A resolution must be adopted by the Township Council for this change order. RESOLUTION – ON****

CHIEF FINANCIAL OFFICER

No Agenda Items.

ATTORNEY

No Agenda Items.

TOWNSHIP OFFICES / COMMITTEES

No Agenda Items.

COMMUNICATIONS

Correspondence: None

Resolution(s):

Rockaway Township – Opposing A-2095 Which Revises Requirements for Medical Service Delivery

Hamburg Borough (Sussex County) – Seeking State Intervention to Increase Safety and Public Awareness on State Highway Route 23

Stanhope Borough (Sussex County) – Opposing A-2095 Which Revises Requirements for Medical Service Delivery

(Action relative to the foregoing resolutions was previously taken by the Township Council.)

APPLICATION(S):

License(s): None

***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.

Maurice Soussa indicated that he built an office building on New Road and the continual flooding on this roadway is affecting his ability to rent space. He realizes that this matter has been carried on the Council's agenda since May of 2010. He stated that he would appreciate a progress report and asked if there is any way to move this forward. Mayor Barberio advised that he will speak with the Municipal Engineer tomorrow, noting that it appears to him that the Township is not receiving any feedback from FEMA.

Robert Simpson, 30 Hilsinger Road, advised that the wayside horn demonstration will be conducted April 5th at 10:00 a.m. He asked what the next step is. Mayor Barberio advised that, after the demonstration, he will receive a recommendation from the Municipal Engineer. He reminded Mr. Simpson that there is no way the Township could afford \$750,000 for a quiet zone. Mr. Simpson questioned why the "quad gates" keep coming up, noting that the Township will save a lot of money by implementing the wayside horns.

Pat Petaccia, 182 Hawkins Avenue, asked for additional information relative to deferring the cost of retirement payouts. Ms. Lim indicated that the Township pays 20% a year; it's a five-year emergency. Ms. Petaccia then advised Mr. Cesaro, Council Liaison to the Traffic Advisory Committee, of another serious accident at Baldwin and Route 46. Mr. Cesaro indicated that he would advise the Committee Chairperson. In connection with a question Ms. Petaccia had asked at an earlier meeting, Ms. Lim responded that the amount allocated for the Building Department in the Temporary Budget was the same as allotted in previous years. Ms. Petaccia requested that copies of the Mayor's statement relative to the 2011 Budget be made available to the public. The Mayor agreed to provide copies. Additionally, in connection with the budget, Ms. Petaccia asked that the Township fund essential services only. Mayor Barberio indicated that he has done this. Ms.

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Petaccia thanked the Police Department for helping her cope with a recent incident with the Board of Education. Council President Fox stated that he admires Ms. Petaccia for what she did and that he admires all those individuals who come to Council Meetings to share their thoughts and concerns.

Roy Messmer, 10 Drumlin Drive,

- Indicated that Pat Petaccia has done a lot to get the School Board to address her concerns.
- Questioned if copies of the budget will be available at the budget review sessions and whether members of the public will have three minutes to comment on each department's budget presentation. Council President Fox advised that the meetings will be conducted the same way they were conducted last year.
- Advised that the Board of Education Administration gave wrong information two weeks in a row. He noted that he received a letter from Marlene Wendolowski explaining that she had transposed numbers. It is discouraging that someone who is earning that kind of money and has staff made a mistake two weeks in a row.
- Noted that he holds a baseball tournament in July and he questioned if the proposed ordinance revising fees for field permits will be addressed next week. The Mayor indicated that it would.
- Questioned if the Mayor's meeting scheduled for March is open to the entire public. Mayor Barberio confirmed that the "Town Hall Meeting" will be held at 7:00 p.m. on March 23, 2011 at Parsippany High School.
- Commented that he is upset that the Mayor hasn't attended three Master Plan Meetings. Mayor Barberio advised that he had other commitments, but explained that he is involved in the Master Plan and receives updates. He pointed out that Mr. Messmer didn't attend the meetings at which he was present. Mr. Messmer indicated that the Mayor, as a member of the Planning Board, is required to attend meetings. Mr. Inglesino explained that the law was changed. It now provides for the Mayor to have a representative, if he chooses, to serve on the Planning Board because the law has recognized in recent years that there are a lot of time pressures on mayors. Mayor Barberio noted that he appointed Jennifer Collins, the Director of Zoning and Planning, to also serve as a member of the Planning Board; she keeps him informed when he is unable to attend meetings.

Joe Raich, 8 Wolf Place, understands that we are working with Hanover Township regarding animal control services. He recalled that the press previously reported conditions within Animal Control and he questioned if the Administration expects improvements. Mayor Barberio advised that the Township's Animal Control is "up to par." He is unaware of any articles written by the media on the subject. The facility, per the Mayor, is in great condition. Ms. Lim confirmed that the facility has been renovated and the care is excellent.

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

MOTION TO ADJOURN: Mr. Cesaro

SECONDED BY: Mr. Ferrara

Roll Call:	Mr. Cesaro	-	Yes
	Mr. dePierro	-	Yes
	Mr. Ferrara	-	Yes
	Mr. Stanton	-	Yes
	Mr. Fox	-	Yes

MEETING ADJOURNED: 8:25 p.m.