

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

June 14, 2011

The following are the Minutes from an Agenda Meeting of Parsippany-Troy Hills Township Council which was held on June 14, 2011, in the Township Municipal Building, 1001 Parsippany Boulevard, Parsippany, N.J. Council President Fox called the Meeting to Order at 7:30 pm and led the participants in a Salute to the Flag.

The Clerk called the Roll Call which indicated the following members present: Councilmen Cesaro, dePierro, Ferrara, Stanton, and Council President Fox.

Council President Fox introduced the following as in attendance also: Mayor J. Barberio, John Inglesino, Esq., Township Attorney and Carol Kehoe, Acting Township Clerk.

Mr. Fox read the following statement: the purpose of this meeting is to set the Agenda for the Regular Township Council Meeting of June 21, 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 2:00 p.m. on Sundays and are also available for viewing at www.parsippany.net.

ORDINANCES

The Clerk stated that the following Ordinances, which have all been duly noticed and posted, are scheduled for second read and final adoption at the June 21, 2011 Regular Council Meeting.

Second Reading(s) and Public Hearing(s) – 6/21/11

Bond Ordinance – Various Capital Improvements (2011:07)

Bond Ordinance – Various Water Utility Improvements (2011:08)

Bond Ordinance – Various Sewer Utility Improvements (2011:09)

Bond Ordinance – Various Golf Course and Recreation Utility Improvements (2011:10)

Amending and Supplementing Chapter 57, Personnel Policies, Article III, Section 57-3, Waiver of Health Benefit Coverage, of the Code (2011:11)

TOWNSHIP COUNCIL AGENDA MEETING OF JUNE 14, 2011

Amending and Supplementing Section 4-23, Division of Recreation, By Increasing the Number of Regular Members Serving on the Recreation Advisory Committee (2011:12)

Establishing Fire Zones and Regulating Parking at Andican Brothers, Plaza 53, 976 Tabor Road, Block 27, Lot 11.01 (2011:13)

Amending and Supplementing Chapter 290, Parks, Recreation Areas and Public Lands, Article II, Use Regulations (Permit Fees) (2011:14)

Status of Adopted Ordinances:

<u>Ordinance Title and Number</u>	<u>Adopted Date</u>	<u>Mayoral Action</u>	<u>Effective Date</u>
License Agreement - Parsippany Soccer Club – Reynolds Avenue Field (2011:04)	5/17/11	Approved	6/14/11
Retirement Payouts (2011:05)	5/17/11	Approved	6/14/11
Calendar Year 2011 – Cap Bank (2011:06)	5/17/11	Approved	6/14/11

DISCUSSION/REMINDERS

Council President Fox read the following for public information:

Scheduled Meetings

6/21/11 @ 7:30 p.m.

Regular Meeting

Public Invited – Public Participation

7/12/11 @ 7:30 p.m.

Agenda Meeting

Public Invited – Public Participation

Minutes for Approval:

Councilman Fox asked if the following Minutes were scheduled for Council approval. The Clerk informed the Council that all of the Minutes are in order and that Council has been provided copies of same and they will be on the June 21, 2011 Regular Council Meeting Agenda for Council action.

Agenda Meeting Minutes of 5/10/11

Closed Session Minutes of 5/10/11 (Approval Only, Disclosure Upon Authorization of Township Attorney)

Special Meeting/Budget Adoption Meeting of 5/17/11

Regular Meeting of 5/17/11

Closed Session Meeting of 5/17/11 (Approval Only, Disclosure Upon Authorization of Township Attorney)

MAYOR:

Council President Fox asked Mayor Barberio if there would be a presentation this evening. Mayor Barberio stated that the ADP Representatives were scheduled to appear, but they were not in attendance.

Mayor Barberio spoke about prior discussions he has had with Council regarding the ability to write off the sewer maintenance portion of the Township sewer bill stating that he has provided Council with IRS Code #164-2 and that this topic is in review at this time. Mayor Barberio stated that he will probably recommend sending this matter to a professional CPA firm to see if in fact this can be done. Mayor Barberio explained that on the Township's quarterly sewer bills there is a maintenance portion of approximately \$61. This amount is like a tax and the residents might be able to write this portion off of their taxes at the end of the year. He said that he is trying to get verification from IRS that this can be done, but he does not feel that he will get an opinion from them.

ADMINISTRATION:

Council President Fox stated that under Administration there were no Bids taken or to be taken. He then read the following:

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

Received:

5/28/09 Proposal 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

4/14/11 Qualification Statements for Risk Management Consultant/Liability Insurance Broker of Record Services

Requested: None

Resolution(s):

TOWNSHIP COUNCIL AGENDA MEETING OF JUNE 14, 2011

Council President Fox asked if the itemized Resolutions were all in order. The Clerk responded that all of Council has been provided with copies of the Resolutions and that they are in order and will appear on the Consent Agenda for the June 21, 2011 Regular Council Meeting.

Authorizing an Agreement with AlphaDog Solutions for Maintenance of the Township Website

Awarding Contracts for Health Insurance Broker of Records Services to Fairview Insurance Agency Associates, Inc. and AxisPointe, Inc.

Awarding a Contract for Insurance Services to D & H Alternative Risk Solutions, Inc. for Administration of Claims Processing for Worker' Compensation

Approving an Agreement Between the County of Morris and the Township of Parsippany-Troy Hills to Form a Consortium to Conduct HOME Investment Partnership Activities for 2012, 2013 and 2014

Authorizing the Execution of an Agreement with Atlantic Ambulance Corp., for Basic Life Support Services

Authorizing a Contract with Todd M. Galante, LECLAIRRYAN to Serve as Special Legal Counsel in Any Matters in Which the Township Attorney May Require Assistance

Awarding a Contract with Parsippany-Troy Hills Bio-Energy Center,LLC, A Synagro Company for Bio-Processing and Energy Supply Services

Fireworks Display - Township of Parsippany-Troy Hills - July 4th (Rain Date July 5, 2011)

ORDINANCES:

Council President Fox read the following proposed Ordinances by title:

Approving Restrictions on Maximum Occupancy of Residential Units (4/11)

Amending and Supplementing Chapter 4, Administration of Government, Article V, Section 4-14, Division of Purchasing Agent, By Increasing the Bid Threshold (6/11)

TOWNSHIP COUNCIL AGENDA MEETING OF JUNE 14, 2011

The Clerk stated that if Council was in agreement with the Ordinance to increase the bid threshold, she would have it on the June 21, 2011 Agenda for First Reading and Introduction.

The Township Attorney explained that because the Township has a purchasing agent, the law allows the Township to take advantage of a higher bid threshold for awarding public contracts. This ordinance will amend the Township's existing ordinance to allow this provision. The Clerk was directed to place the Ordinance on the next Agenda.

ENGINEERING

Councilman Cesaro read the Engineer's report into the record:

Update/Recommendation(s):

Status of Road Resurfacing – Puddingstone Area (8/07)

Revisions to Escrow Requirement in Connection with Residential Sidewalk/Driveway Repairs (10/07)

Troy Brook through the Hills of Troy (11/08)

711 Park Road – Fairview Estates (11/08)

Edgefield Drive No Parking Zone (Upper) (6/09)

Canterbury Estates Vacation of Lots 26 and 77 in Block 98 (5/09)

New Road Flood Mitigation (5/10)

Train Horns at Intersections (12/10)

Collapsing Retaining Walls – 1 & 3 Eldridge Road, Block 89, Lots 13.2 and 13.1 (1/11)

Councilman Cesaro commented that there were no changes to the statuses of the above topics per the Township Engineer.

Resolutions:

Major Soil Moving Permit – Avis Budget Group, Block 202, Lot 1.9

Right-of-Way Use Agreement – Light Tower Fiber Long Island LLC (“Lighttower”)

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

TOWNSHIP COUNCIL AGENDA MEETING OF JUNE 14, 2011

Mayor Barberio commented on the train horn intersection stating that a decision will have to be made before they go forward with the study that was performed. He said he will speak to the Business Administrator before he moves this from Engineering to the Council for discussion for the next Agenda Meeting. Councilman Fox asked if Council agreed: there were no objections.

The Clerk was directed to place the following Resolutions on the June 21, 2011 Agenda for Council Action.

Resolutions:

Major Soil Moving Permit – Avis Budget Group, Block 202, Lot 1.9

Right-of-Way Use Agreement – Light Tower Fiber Long Island LLC (“Lighttower”)

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

CHIEF FINANCIAL OFFICER

Council President Fox read the following Resolution titles; they will be on the June 21, 2011 Agenda for Council Action:

Resolution(s):

Amending Adopted Budget – Click It Or Ticket Mobilization

Amending Adopted Budget – NJDEP Clean Communities Entitlement – FY 2011

Amending Adopted Budget – Clean Energy Pay for Performance Program

Council President Fox stated that the CFO has requested that a Resolution authorizing the Township’s Auction for Sale of Township Assets be acted upon by Council this evening. Council had been provided with a list of assets to be sold which was attached to their copy of the proposed Resolution.

Councilman dePierro moved to authorize an Auction for the Purpose of Selling Township Assets, Second by Councilman Stanton. The motion passed with all voting in the affirmative in a roll call vote.

ATTORNEY

Mr. Inglesino explained a recent election issue which came to his attention yesterday in regards to the ballot in the Fall on the Democratic side and he has issued a letter on same. The facts are that a candidate, Mr. Crawford, who appeared on the Republican Primary ballot for the contested race for

the remaining two-year unexpired term of former Council President Grossi, who is now on the Freeholder Board. Under law when she stepped down there was a process by which her seat was filled until the next election because she had resigned early enough in her term. There has to be a special election to fulfill the remaining two years of her term. For that one seat there were two candidates in that race that were on the ballot. Mr. Ferrara had won that race in the Republican Primary.

Mr. Crawford had received 44 write-in votes from the Democrats for him to become the nominee on the Democratic side on the ballot in the fall. There was some miscommunication between the Parsippany Clerk's office and the County Clerk's office. The County focused on whether or not there were a sufficient number of write-in votes – which there were – in order for Mr. Crawford to gain the Democratic nomination. However, in New Jersey the statute precludes the candidate from being on the ballot for one party in the Primary and then being on the ballot for another party in the Fall. Mr. Inglesino quoted from N.J.S.A.19:13-14.1: “A person whose name appears on the ballot at a primary election for the general election as a candidate for nomination by a political party for any municipal office shall not be eligible to serve as a candidate of any other political party for that office in that municipality at the general election following that primary”.

Mr. Inglesino stated that based upon discussions he has had with County Council, our Clerk's office and the Morris County Clerk's office, there was a corrected certification of the election which was filed timely and accepted by the Morris County Clerk's office. There will not be a Democratic candidate on the ballot in the General Election for the two-year unexpired term. He said that he has issued an opinion to that effect and communication will go out to Mr. Crawford notifying him of this occurrence.

Mr. Inglesino asked Council President Fox if Council was ready to hear a presentation regarding the Synagro contract negotiations at this point of the meeting; Mr. Fox replied yes. Mr. Inglesino introduced his partner Mr. John Wyciskala who has been spearheading the negotiations regarding the Synagro contract.

Mr. Wyciskala stated that there is a Resolution entitled: “A Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Execution of an Agreement for Bio-Processing and Energy Supply Services Between the Township of Parsippany-Troy Hills, New Jersey and Parsippany-Troy Hills Bio-Energy Center, LLC, A Synagro Company” before Council which would authorize a contract with Synagro. He explained that Synagro is a national leader in waste management; residuals management.

Mr. Wyciskala explained that the Township owns and operates its own waste water treatment plant located on Edwards Rd. which takes the Township sewer flow in, runs it thru the sewer treatment facility and thru a series of ponds, the residuals in the water settle out, the water is cleaned and polished and it is discharged back into the Whippany and Passaic River Watersheds. At the end of this process there remains bio-solids (sludge) that needs to be disposed of. There are two ways to dispose of the sludge; incineration or waste disposal which requires firms to come in and load the sludge up on trucks and bring it out to landfills in Pennsylvania and further west.

Mr. Wyciskala stated that in the early 1970's Parsippany constructed two multiple hearth incinerators at the waste water facility to deal with the residuals. For about 30-35 years the incinerators operated and Parsippany was able to process its own sludge and took in sludge and bio-solids from other municipalities and authorities and that was intended to provide an additional revenue stream to the municipality. But by the late 1990's the incinerators were considered dinosaurs; they were not efficient, not particularly clean, did not meet the ever-changing state and federal clean-air mandates and the fuel costs continued to rise to operate them. He stated that as the energy costs rose the municipalities that were sending their sludge to Parsippany started dropping out because the costs were too high. It became cheaper to contract with firms to take their waste away. Parsippany alone is not generating enough bio-solids to warrant the money that was going into the operation of the incinerators and the Township was losing money. The incinerators were shut down about 4 – 5 years ago and since then Parsippany is contracting on a year-in year-out basis and having their bio-solids trucked out by a company called Spectaserve which has left Parsippany at the mercy of market forces. The Township now pays a higher rate to have the solids removed and it pays for processing to have the solids de-watered; this process takes Township manpower and financial resources to complete.

Mr. Wyciskala stated that about three years ago the Township began a study to see if there was any way to retrofit the incinerators and stacks to bring the fuel costs down to make the incinerators more efficient; the study showed that this would be too cost prohibitive considering all of the permitting and associated fees and regulations were more stringent. Parsippany then approached third parties to come in to retrofit and operate the same type of facilities that Parsippany had been using; but the response from the market place was that it would be too expensive and that the type of incinerators that Parsippany now has will not match up with the new plant that will be coming on line (in fact it would be detrimental to it).

The Township then explored the costs to build a new incinerator but found that it would cost in the 10's of millions of dollars and Parsippany does not generate enough of its own sludge for it to make financial sense for Parsippany to operate its own incinerator. They would be back into the position of trying to market their facility to other towns to bring their sludge to Parsippany.

In May of 2009 the Township sent out a request for qualifications and proposals to private firms to come in and design, construct and operate this type of facility at the waste water treatment plant. Synagro was the primary responsive bidder on the project proposing a complete design, complete permitting and construction of the bio-solids treatment facility on the plant property (in the location of the current incinerators). All of this would be done at their cost and expense. They have proposed a single, state-of-the-art fluidized bed incinerator on the waste water plant. The incinerator will meet all current and future DEP and EPA regulations; the likelihood is that it will be the only plant to meet those stringent requirements anywhere within this region. They will build a single incinerator on the site which will be able to handle not only Parsippany's needs but those of other municipalities as well. They will also construct a co-generation facility which converts the heat generated from their operation and turns it into energy and it will be a renewable resource that will bring down the overall electric costs which will be a benefit to Parsippany.

Mr. Wyciskala explained that Parsippany will not generate enough sludge to justify the construction of this incinerator, so Synagro pursuant to its proposal will be managing and processing bio-solids from other municipalities and authorities similar to what Parsippany did before. The Township will receive a benefit from that in the form of host fees or tipping fees based on the product that comes in from other municipalities. The overall costs that Synagro will incur in designing, constructing and operating this facility is about \$60M which is a similar cost if a municipality were to take on a similar project itself. There have been many meetings with Synagro over the past year negotiating and renegotiating the terms of the transaction, understanding what their costs are, what the Township is going to pay and what the Township is going to be able to save. Mr. Wyciskala stated that at this point the Township feels that they have a very good and a very fair deal. He said there has been a lot of give and take on this with most of the give on the part of Synagro to the benefit of the Township.

He explained the main deal points: Synagro assumes all cost responsibility for the design, permitting, construction and operation of this facility. There are DEP and federal permits that must be obtained, County permits and municipal permitting. Synagro's cost will be about \$60M; part of this will be paid in cash and a bulk will have to be financed themselves. The term of the agreement is 20 years with a right to request an additional extension term of not less than five years, but that is not mandatory on the part of the Township. Synagro in consideration of this contract is paying the Township a lump sum host fee of \$1M to be paid out in installments in the early part of the contract; \$250,000 paid upon the notice of commencement of construction which will be in 2012 (estimated date), a year later in 2013 the next installment of \$250,000 will be paid, with the balance due upon the commencement of operations which is estimated to be 2014. Synagro will essentially be renting a portion of the property, the Township is not conveying title to them, the Township will own the property; they will be paying annual rents in the amount of \$100,000 in a lump sum payment each year for the next 20 years and the extended term as well. Synagro is going to treat the Township's bio-solids at a reduced rate from the market rate; the first year that rate will be \$79.95/ton and will increase with the consumer price index on an annual basis. That processing fee will include Synagro de-watering the Township's bio-solids which will save the Township their current cost for this process of about \$12./ton. Synagro can do it for less and the Township will then be able to take the personnel that would otherwise be doing this process and redeploy them for other operations in the plant and be more useful.

Mr. Wyciskala further explained that the Township would be required to supply a minimum of 14,000 tons of sludge per year and the reduced rate is limited to 16,500 tons per year. If the Township goes over 16,500 tons per year, then they will pay the market rate for the overage. The Township professionals are all comfortable that the Township will fall within that range; the general annual production is about 15,000 -15,500 tons per year. It is expected that the Township will meet the minimums but not exceed the maximums. Mr. Wyciskala stated that in the unlikely event the market rate drops below what Parsippany is paying, it has been built into the contract that Parsippany would pay the lesser of whatever the rate is at the time and the market rate.

Mr. Wyciskala explained the Host Fee that Parsippany will receive. Synagro will bring in residuals from other municipalities into this plant and they will pay Parsippany \$2.50/ton in year one. This Host Fee will also be subject to the Consumer Price Index (CPI) increases over time; each year it

will increase with the CPI. If Synagro is successful and they are operating at a certain level, an additional one-time increase of 5% has been negotiated for that Host Fee at year ten. He advised that the income projections on the Host Fees in the first couple of years are in the range of \$300,000. - \$400,000. With the CPI increases over time in the later years, \$600,000. is projected as the annual Host Fee from the solids that are coming in from other municipalities which is a benefit to Parsippany. It is estimated that the energy savings on the co-generation facility are about \$50,000. /year (maybe higher). Synagro will be providing interim services to ship Parsippany's sludge during a two to three-year period during which time they will be obtaining permits and construct the facility. These interim services will start next year at a reduced rate of \$77.57/ton and be subject to the CPI as well.

Additional terms in the agreement will bring additional benefits to the Township. One of which is FOG (fats, oils and grease) products which are generated from restaurants in the area and other similar uses. There is a value to the grease and oils generated from those businesses; those products can be brought into the new facility, processed and converted into energy and reused in the facility. This provides not only a cost savings to the Township but possibly a revenue stream as well. This is not factored in, but there is a provision in the contract that allows for this to be developed and in all likelihood it would be an additional benefit.

Mr. Wyciskala stated that the overall value of the contract to Parsippany, on the conservative side, is about \$15M over the 20-year term and if Synagro is as successful as they hope to be, it could be upwards to \$18M to \$19M to the Township in terms of revenues that will come in, Host Fees and the savings from an energy perspective as well as the treatment of the Township's waste. The other benefit is the fact that the lion's share of the risk in this project lies with Synagro; they will design, permit and construct at their own cost.

Mr. Wyciskala said they have been working on the contract and all the deal points are largely completed; they are just working on the fine points at this time. He stated that there will be a parent guarantee from Synagro on this project. The entity that Parsippany will enter into this contract with is a single purpose entity that is created to operate the facility; but Synagro (the parent) will be providing a guarantee overall on it. They will be required to post all requisite insurance coverage; and the typical things that the Township would require of anybody that would be coming in and building a facility on Township property and leasing Township property and the like. Synagro will have to design, permit and construct this project at their own cost and if they need the Township's professionals to participate in the process, Synagro will have to reimburse the Township these costs. The agreement as written does include indemnification and defense provisions; if any problems are incurred, Synagro will defend and indemnify the Township. Parsippany cannot be liable for anything that happens as a result of their operations. Synagro will also be responsible to pay any fines or penalties if there are any violations of air permits, or anything else of that nature whether they are in the name of Synagro or the Township, because some of the permits would be in the Township's name as the owner of the property.

Councilman dePierro injected that it is also the Township's license that they will be using buy Synagro will be responsible all liability on the use of that license. Mr. Wyciskala said he was correct and that there will be air permits that have to be secured and a number of other licenses and

TOWNSHIP COUNCIL AGENDA MEETING OF JUNE 14, 2011

permits that will be part of this project. Synagro will be responsible for anything in the Township's name. He said that the Township will cooperate with Synagro and work hand-in-hand over the next couple of years; not just thru the contract phase, but thru the design phase. Councilman dePierro stated that it is a good deal for Parsippany; they can't lose. Mr. Wyciskala concluded his presentation stating that he wanted to be sure that the Council and the public were apprised of the main points of the proposal and why they were doing this.

Council President Fox thanked Mr. Wyciskala for his presentation and asked the Township Attorney, Mr. Inglesino if approval of the contract should be put on next week's agenda. Mr. Inglesino stated that pending the successful completion of the negotiations of the contract it could be ready for resolution of the contract by next week and could be placed on the agenda.

TOWNSHIP OFFICES / COMMITTEES

No Reports.

COMMUNICATIONS

Council President Fox asked the Clerk to report on Communications. The Clerk stated that the following Resolutions had been received from other municipalities and that Council had been copied.

Resolution(s):

Chester Township – Supporting OPRA’s Original Intent

Lincoln Park Borough – Supporting the Recommendations Advanced by the Passaic River Basin Flood Advisory Committee Calling for Recommendation that will Help to Minimize the Impact of Flooding in the Passaic River Basin

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

Washington Township – Supporting a Modification of the Open Public Records Act

Township of Washington (Warren County) – Resolution for Fair Distribution of State Aid for Education

Mendham Township – Supporting OPRA’s Original Intent

APPLICATION(S):

Council President Fox read the following Licenses to be issued and asked the Clerk if they were in order. The Clerk reported that the following licenses would be on the June 21, 2011 Agenda for Council action. She stated that all of the liquor licenses in the Township were complete and ready to be renewed.

License(s):

Limousine Owner’s License (New) – My Grand Limousine, LLC, 2001 Route 46, Suite #310 (1 Vehicle) and Metro Transportation Group, Inc., 2001 Route 46 (4 Vehicles)

Liquor License Renewals for 2011

Shelter/Pet Shop License Renewals for the 7/01/11 – 6/30/12 Licensing Term

Council President Fox recognized Councilman dePierro who addressed the position of the Registrar of Vital Statistics for the Township. The Township Clerk, who held the position, has retired and another employee has requested to be appointed as Registrar. Mr. Inglesino explained that the Township’s Ordinance requires the Township Clerk to be the Registrar and if the Council wants to

change this requirement, the Ordinance would have to be amended. Mr. dePierro stated that he wants to change the Ordinance but before the Township starts a precedence he asked the Township Attorney to investigate the issue. Following discussion during which Council Members expressed concern regarding posting the position under Civil Service and also budgetary concerns, Mr. Inglesino said he would review the matter.

PUBLIC HEARING

Council President Fox opened the Meeting for Public Comments.

Robert Simpson, 30 Hilsinger Rd.: Stated that the train horn issue seems to be moving along and that the Mayor observed the crossing and said that 'the horns were really loud'. He said that a report regarding the horns went out last month and asked if Council had read the report. Mayor Barberio said he would have the Clerk email the report tomorrow. He said that a decision has to be made as the study had criteria and costs associated with creating a quiet zone at an approximate cost of \$60,000 to \$90,000. The report also describes different types of zones. Mayor Barberio recommended that a decision be made. He also explained that money would have to be allocated out of other departments for the project as there is no money in the budget this year.

Mr. Simpson informed Council that DOT had given money to other towns to create quiet zones; Mayor Barberio said he would have the Business Administrator research if there is any grant money available for this project.

Patricia Petaccia, 182 Hawkins Ave.: Asked the Mayor why the research for the tax rebate on the sewer bill could not be done in house rather than contracting with a qualified CPA firm. The Township Attorney responded that he would not advise the Township to give tax advice to residents regarding their own personal financial situation and have someone rely on that and then have problems with the IRS and the Township might be sued for that. Ms. Petaccia stated that it does not seem feasible that there was a 38% increase in the water rates this year said she wants the Council to watch the water and sewer department to make sure it is being properly handled. Mayor Barberio stated in reference to the sewer treatment plant that the rates have not been increased for many years and the plant had been running in disrepair. Discussion followed between Ms. Petaccia and Mayor Barberio regarding the distribution of funds in the current municipal budget.

Annelise Catanzano, 67 Midvale Ave.: Ms. Catanzano asked the Township Attorney to explain the ordinance which will be introduced to increase the bid threshold for the Township. Mr. Inglesino explained the purpose of the amendment to the current ordinance is to allow the Township to increase the bid threshold to \$37,000. The Township has a certified purchasing agent and the law allows the Township to increase their bid threshold which allows the purchasing agent to award contracts with more efficiency. Ms. Catanzano asked Mr. Wyciskala what the Township currently pays for sludge removal; Mr. Wyciskala stated that under the last contract the Township paid \$84./ton, and the Township had to dewater the sludge at a cost of \$8.-\$12./ton which brought the cost up to \$92./ton. Ms. Catanzano asked if there were other bidders for the incinerator project; Mr. Wyciskala stated that Synagro was the only qualified bidder. She also asked what would happen if

the market rates drop; Mr. Wyciskala said there are provisions built into the contract to protect the Township.

Mike DeNoble, 82 Gloucester Rd.: Gave Council photos of Mirror Pond. He said that the Lake Parsippany Homeowners Association pulled the plug on the dam, drained it and it has left a mud flat behind; when it rains the pond fills up and drains causing stagnant water to lay there increasing the mosquito problem in the area. He wants the Council to be aware of the problem and asked what could be done moving forward. Council President Fox said he has been to the area and that it is a mess. Mayor Barberio explained the background regarding this problem stating that last year the LPHA came to the Township regarding issues of dam safety and the fact that they could no longer afford to maintain the dam. They asked if the Township would take ownership of the dam and maintain it but this would be too costly. The dam has been breached leaving behind the problem with the mosquitoes. The plans are to eventually bring the area back to life as it was before it was a pond. Mayor Barberio said that he had a meeting with the LPHA last month, and all of the soil studies have been done prior to the dam being breached. The Township will keep on top of the County Mosquito Commission to rectify the health problem with the mosquitoes. He summarized the situation stating that it is too costly for the Township and the LPHA to maintain the dam, but the LPHA are under orders from the DEP that something must be done.

Mr. Wyciskala said he is working with the LPHA with a letter of intent and an agreement for the Township to take over the property. Funds are needed to take over the property, breaching and future remediation. Discussion followed that these funds would come out of the Open Space Trust Fund and not out of the operating budget. Councilman dePierro stated that the Open Space Committee have discussed the types of plantings that would be used to dry up the pond and eliminate the mosquito problem. Mayor Barberio said it would have cost \$250,000 to repair the dam; the cost to breach it was \$134,000.

Jessica Brosnan, 96 Gloucester Rd., Ms. Brosnan asked what the time line will be for the remediation of Mirror Pond stating that she is concerned about the health hazards and the fact that she imagines that their property values have plummeted from this problem. She said that this unsightly area is in full view from the rear of her home. She asked if the remediation will cost more than if the dam was breached and will the area be left esthetically pleasing. Mayor Barberio said the breaching would cost considerably more and that the Township's Parks and Forestry Director will make the area look outstanding and he will keep the residents informed of the time line for this project. Mr. Brosnan pointed out that this area backs up to a park and both the residents in her neighborhood and those using the park are at a health risk because of the mosquitoes from this area. Council President Fox asked if the Mayor would follow up with the Mosquito Commission to spay the area as soon as possible; Mayor Barberio said he would.

Douglas Moroz, 60 Gloucester Rd.: Mr. Moroz asked why the problems associated with breaching the dam were not taken care of ahead of time. He said that he cannot use the deck off of his home because of the mosquitoes. Mr. Wyciskala responded that the dam still belongs to the LPHA and they did not need the Township's permission to breach the dam and it is their responsibility to respond to DEP requirements; they responded to DEP pressure, not that of the Township. Mr. Moroz asked if the area could be filled in now; Mr. Wyciskala said the Township does not yet own

TOWNSHIP COUNCIL AGENDA MEETING OF JUNE 14, 2011

the property. Council President Fox stated that the Township cannot invest their time and money until they have title to the property.

Carol Harrison, 67 Elmwood Dr.: Ms. Harrison stated that her home is on the corner of Elmwood and Gloucester Rd. and there is a storm drain at the end of her property; she asked that Council not forget to do something about the drain.

Helen LoGiudice, 55 Gloucester Rd.: Ms. LoGiudice stated that her main concerns regarding the draining of Mirror Pond are health issues for not only her immediate family, her neighbors, but for those using the park. She said that something should be done soon to make the area safe.

Council President Fox closed the Public Portion of the Meeting.

Councilman Stanton asked for permission to speak; Council President invited Councilman Stanton to continue. Councilman Stanton stated that there were copies of a local newspaper available for the public which he would be referring to during his comments. He said an article in the paper entitled "Let the Sun Shine In" stated that Annelise Catanzano asked the Council to compare these projects, the 2007 Solar Project that was rejected. Councilman Stanton researched the project and the two new separate projects come in at no cost or minimal cost to Parsippany with a savings of \$463,807 in energy savings. Back in 2007 the plan that was rejected was \$8.3M minus \$1.7M from a grant which would require a \$6.6M bond to put solar panels on Sharkey's landfill which is in need of major repair. Councilman Stanton said that he reviewed past minutes which indicated that residents who spoke at the Council meetings did not want the solar panels in Sharkey's.

Councilman Stanton pointed out that further in the article it was stated that this was the typical patrician games that folks played to the detriment of Parsippany; and that Parsippany needs council members to look outside of party lines and make decisions for the best interest of the community and not rubber stamped. He then summarized the 2011 budget difficulties that the Council and Mayor faced this year; a 2% cap was implemented by the Governor, yet the budget came in at 1.59%, they did not have to implement any layoffs of personnel, and they worked hard to keep Parsippany's services in place. Councilman Stanton stated that when the Council votes they vote for what is in the best interest of their taxpayers and all of the residents of Parsippany. He said if doing what is right for the people of Parsippany makes him a rubber stamp voter in anyone's mind, then they can feel free to call him whatever they want.

Motion to adjourn the Meeting moved by Councilman dePierro; Seconded by Councilman Stanton. All of Council voted to adjourn the Meeting at 9:00 pm.