

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

August 16, 2011

Council President Fox opened the Regular Meeting at 7:30 p.m., followed by a salute to the Flag. He advised that 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 16, 2011. He further noted that Council Meetings are videotaped and aired on Cablevision, Public Access Channel 21, at 10:00 a.m. on Sundays and are also available for viewing on www.parsippany.net.

PRESENT: Council Members Cesaro, dePierro, Stanton and Fox

ABSENT: Council Member Ferrara

ALSO PRESENT: Mayor Barberio, J. Lim, Business Administrator; J. Inglesino, Esq. Township Attorney; E. Johnson, Township Clerk

FLAG SALUTE: Mr. dePierro led the flag salute.

**UPCOMING
MEETINGS:**

9/13/11 @ 7:30 p.m. Agenda Meeting
Public Invited – Public Participation

9/20/11 @ 7:30 p.m. Regular Meeting
Public Invited – Public Participation

BID(S) TO BE TAKEN:

None

PRESENTATION:

None

REQUEST(S) FOR QUOTATION(S)/PROPOSAL(S)/QUALIFICATION(S):

None

REGULAR TOWNSHIP COUNCIL MEETING, AUGUST 16, 2011

ORDINANCE(S):

Introduction and First Reading(s):

Ordinance No. 2011:17

The following Ordinance was offered by Mr. dePierro, seconded by Mr. Cesaro:

An Ordinance of the Township of Parsippany-Troy Hills, Morris County, New Jersey, to Amend and Supplement the Township Code, Chapter 329 Entitled "Sewer," Section 329-14 Entitled "Sewer Connection Fees," and Chapter 420 Entitled "Water," Section 420-13 Entitled "Water Connection Fees" for the Purpose of Establishing Fees for the Year 2011 (Attachment 1)

Ordinance No. 2011:18

The following Ordinance was offered by Mr. Stanton, seconded by Mr. Cesaro:

An Ordinance Amending Section 285-4, Schedule A, No Parking Fire Zones, of Article I, of Chapter 285, Parking, of the Code of the Township of Parsippany-Troy Hills to Establish Fire Zones and Regulate Parking at: Courtyard by Marriott, 3769 Route 46, Block 136, Lot 70 (Attachment 2)

Ordinance No. 2011:19

The following Ordinance was offered by Mr. Cesaro, seconded by Mr. dePierro:

An Ordinance Amending Section 285-4, Schedule A, No Parking Fire Zones, of Article I, of Chapter 285, Parking, of the Code of the Township of Parsippany-Troy Hills to Establish Fire Zones and Regulate Parking at: 5 Eastmans Road, LLC, Block 739, Lot 4 (Attachment No. 3)

BE IT RESOLVED that the above Ordinances introduced, read by title, and passed on first reading at a Meeting of the Township Council of the Township of Parsippany-Troy Hills held on **August 16, 2011** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **September 20, 2011** at 7:30 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Municipal Building in said Township, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance.

BE IT FURTHER RESOLVED that the Clerk be authorized and directed to advertise said Ordinances with the Notice of Introduction thereof being published in the official newspaper according to law.

ROLL CALL: YES – Council Members, Cesaro, dePierro, Stanton and Fox

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Second Reading(s) and Public Hearing(s):

Ordinance No. 2011:16 :

An Ordinance Amending Section 285-4, Schedule A, No Parking Zones, of Article I, of Chapter 285, Parking, of the Code of the Township of Parsippany-Troy Hills to Establish Fire Zones and Regulate Parking at 260 Walsh Drive, Block 136, Lot 36

The following resolution was offered by Mr. Fox, seconded by Mr. diPierro:

BE IT RESOLVED that an ordinance entitled “**Amending Section 285-4, Schedule A, No Parking Fire Zones, of Article I, of Chapter 285, Parking, of the Code of the Township of Parsippany-Troy Hills to Establish Fire Zones and Regulate Parking at: 260 Walsh Drive, Block 136, Lot 36,**” be read in title only on second reading and a hearing held thereon.

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

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

ROLL CALL: YES – Council Members, Cesaro, dePierro, Stanton and Fox

The following was offered by Mr. Fox, seconded by Mr. diPierro:

WHEREAS, the above ordinance was read in title on second reading and a hearing held thereon;

NOW THEREFORE, BE IT RESOLVED that said ordinance be passed on final reading and that a Notice of Final Passage of said ordinance be published in the newspaper according to law.

ROLL CALL: YES – Council Members, Cesaro, dePierro, Stanton and Fox

PUBLIC HEARING

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

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

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CONSENT AGENDA:

Mr. dePierro noted that all items listed with an asterisk (*) are considered to be routine and noncontroversial by the Township Council and will be approved by one motion. There will be no separate discussion of these items unless a council member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda. He then moved the approval of the Consent Agenda, seconded by Mr. Cesaro.

ROLL CALL: YES – Council Members, Cesaro, dePierro, Stanton and Fox

MINUTES FOR APPROVAL:

- * Agenda Meeting of 7/12/11
 - * Regular Meeting of 7/19/11 (Fox Absent)
-

BID AWARD(S):

None

RESOLUTION(S):

- * **Resolution of the Township of Parsippany-Troy Hills Certifying the 2010 Annual Audit**
- * **Resolution Opposing A-3835 and S-2795**
- * **Resolution of the Township Council of the Township of Parsippany-Troy Hills Approving Participation in Countywide Continuity of Operations (COOP) and Continuity of Government (COG) Planning Made Possible Through Homeland Security Funding to the County of Morris**
- * **Resolution of the Township Council of the Township of Parsippany-Troy Hills Granting An Extension of the Major Soil Moving Permit Granted to Fox Run Developers (a/k/a) K & K Developers) Block 98, Lots 22 and 23**
- * **Resolution of the Township Council of the Township of Parsippany-Troy Hills Placing a (9) Lien on a Particular Property for Failure to Abate a Housing Violation (32 Lake Shore Drive, Block 554, Lot 23)**
- * **Resolution of the Township Council of the Township of Parsippany-Troy Hills Placing a 10) Lien on a Particular Property for Failure to Abate a Housing Violation (212 Atlantic Drive, Block 246, Lot 12)**

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- * **Resolution of the Township of Parsippany-Troy Hills Approving Corrective Action Plan (11) For 2010 Audit**
 - * **Resolution of the Township of Parsippany-Troy Hills Authorizing Cancellations of Grant (12) Fund Receivables and Reserve Balances**
 - * **Resolution of the Township of Parsippany-Troy Hills Authorizing Cancellations of (13) Premiums on Tax Sale**
-

APPLICATION(S):

None

ADDED ITEMS

Mr. dePierro moved to add two items to the Agenda which was duly seconded by Mr. Fox.

ROLL CALL: YES – Council Members, Cesaro, dePierro, Stanton and Fox

Mr. Stanton moved to approve the following Resolution which was duly seconded by Mr. Cesaro:

**Resolution Authorizing The Insertion of A Special Item Of Revenue
Into The FY 2011 Budget**

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Parsippany-Troy Hills hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund budget of the year 2011 in the sum of \$ 26,900.00 which item is now available as revenue from:

State of New Jersey

Department of Transportation

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Safe Route to School

BE IT FURTHER RESOLVED that a like sum of \$ 26,900.00 and the same is hereby appropriated in the Current Fund Budget under the caption of:

State of New Jersey
Department of Transportation
Safe Route to School

ROLL CALL: YES – Council Members, Cesaro, dePierro, Stanton and Fox

Mr. Stanton moved to approve the following Resolution which was duly seconded by Mr. Cesaro:

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
PARSIPPANY-TROY HILLS JOINING THE NATIONAL MOMENT OF
REMEMBRANCE OF THE 10TH ANNIVERSARY OF SEPTEMBER 11TH**

WHEREAS, the Township Council of the Township of Parsippany-Troy Hills expresses their support of the United State's Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m. Eastern Daylight Time on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001; and

WHEREAS, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and

WHEREAS, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and

WHEREAS, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and

WHEREAS, at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and

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WHEREAS, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

WHEREAS, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed; and

WHEREAS, countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and

WHEREAS, the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history; and

WHEREAS, the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day; and

WHEREAS, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and

WHEREAS, the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored; and

WHEREAS, 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

WHEREAS, 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and

WHEREAS, on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families; and

WHEREAS, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

WHEREAS, in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111-13; 123 Stat. 1460); and

WHEREAS, in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

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WHEREAS, September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey that the Township of Parsippany-Troy Hills:

- 1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation; and
- 2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and
- 3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives; and
- 4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States; and
- 5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

BE IT FURTHER RESOLVED that on the 10th anniversary of this tragic day in United States history the Township Council of the Township of Parsippany-Troy Hills calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including (i) media outlets; (ii) houses of worship; (iii) military organizations; (iv) veterans organizations; (v) airlines; (vi) airports; (vii) railroads; (viii) sports teams; (ix) the Federal Government; (x) State and local governments; (xi) police, fire, and other public institutions; (xii) educational institutions; (xiii) businesses; and (xiv) other public and private institutions; and

BE IT FURTHER RESOLVED that the Township encourages the observance of the moment of remembrance to last for 1 minute beginning at 1:00 p.m. Eastern Daylight Time by, to the maximum extent practicable ceasing all work or other activity; and marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

ROLL CALL: YES – Council Members, Cesaro, dePierro, Stanton and Fox

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MAYOR'S COMMENTS

Mayor Barberio requested to speak on the issue of the DEP issuing permits to the Township for the incinerator project. He also read into the record his response to what he believed were irresponsible statements made in the newspaper. Particularly statements made that indicated that the NJDEP did not issue permits for incinerators and that the project would be harmful to the environment. He stated "That would be false" and he referenced a email he received today and his response to that email.

Council thanked the Mayor for his comments.

ADJOURNMENT

Mr. Cesaro made a motion to adjourn the meeting, seconded by Mr. Stanton:

ROLL CALL: YES – Council Members, Cesaro, dePierro, Stanton and Fox

The meeting adjourned at 7:50 p.m.

Respectfully submitted,

Elesha Johnson, Township Clerk

Michael J. dePierro, President

Minutes approved: Sept. 20, 2011

**TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY
ORDINANCE NO. 2011:17**

**AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY,
NEW JERSEY, TO AMEND AND SUPPLEMENT THE TOWNSHIP CODE, CHAPTER 329
ENTITLED "SEWER," SECTION 329-14 ENTITLED "SEWER CONNECTION FEES," AND
CHAPTER 420 ENTITLED "WATER,"
SECTION 420-13 ENTITLED "WATER CONNECTION FEES"
FOR THE PURPOSE OF ESTABLISHING FEES FOR THE YEAR 2011**

WHEREAS, the Township Council of the Township of Parsippany-Troy Hills wishes to update sewer and water connection fees charged pursuant to the Code of the Township.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Parsippany-Troy Hills, Morris County, as follows:

SECTION 1. Chapter 329 entitled "Sewers," Section 329-14 entitled "Sewer connection fees," of the Code, is hereby amended and supplemented as follows:

329-14. Sewer connection fees.

- A. Single-family residential. A sewer connection fee of \$4,231.74 for a three-or-more-bedroom single-family residential use is hereby established for the year 2011.

SECTION 2. Chapter 420 entitled "Water," Section 420-13 entitled "Water connection fees" of the Code, is hereby amended and supplemented as follows:

420-13. Water connection fees.

- A. Single-family residential. A water connection fee of \$1,761.41 for single-family residential use is hereby established for the year 2011.

SECTION 3. If any section, paragraph, subsection, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

SECTION 4. All ordinances or parts of ordinances of the Township of Parsippany-Troy Hills heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

**TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY
ORDINANCE NO. 2011:18**

AN ORDINANCE AMENDING SECTION 285-4, SCHEDULE A, NO PARKING FIRE ZONES, OF ARTICLE I, OF CHAPTER 285, PARKING, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO ESTABLISH FIRE ZONES AND REGULATE PARKING AT:

Courtyard by Marriott

3769 ROUTE 46, Block 136, Lot 70

BE IT ORDAINED by the Township Council of the Township of ParsIPPany-Troy Hills, County of Morris, State of New Jersey, as follows:

SECTION 1. Section 285-4, Schedule A, No Parking Fire Zones, is hereby amended to include:
Courtyard by Marriott

3769 ROUTE 46, Block 136, Lot 70

SECTION 2. In connection with the above listed property (or properties), there shall be **No Parking in the Fire Zones** as outlined by cross-hatching on map(s) on file in the Office of the Township Clerk.

SECTION 3. Pavement markings and signage, as hereinafter described, shall be installed by the owner of each property listed in Section 1 within 30 days from the effective date of this ordinance.

- a) pavement marking: all curbs within the designated fire zone shall be painted yellow except when Belgian block curbing is utilized, then a 4 inch solid line, 1 foot from the base of the curb shall be painted.
- b) signage: “no parking – any time” signs as deemed appropriate by the District Fire Chief shall be of uniform size and height being not less than 7 feet from the ground to the sign. All signs shall be in accordance with the Manual on Uniform Traffic Control.

SECTION 4. For violation of any provision of this ordinance, the penalty, upon conviction, shall be as set forth in chapter 1, Section 1 -17 of the Code of the Township of ParsIPPany-Troy Hills.

SECTION 5. For failure to install the required signs and lines as detailed in this ordinance, the owner of each property listed in Section 1 shall be subject to penalty and/or arrest as provided for in New Jersey Uniform Fire Code, N.J.A.C. 5:70-2.12.

SECTION 6. This ordinance shall take effect upon final passage, approval and publication as required by law.

**TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY
ORDINANCE NO. 2011:19**

AN ORDINANCE AMENDING SECTION 285-4, SCHEDULE A, NO PARKING FIRE ZONES, OF ARTICLE I, OF CHAPTER 285, PARKING, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO ESTABLISH FIRE ZONES AND REGULATE PARKING AT:

5 Eastmans Road LLC

5 EASTMANS ROAD, Block 739, Lot 4

BE IT ORDAINED by the Township Council of the Township of Parsippány-Troy Hills, County of Morris, State of New Jersey, as follows:

SECTION 1. Section 285-4, Schedule A, No Parking Fire Zones, is hereby amended to include:

5 Eastmans Road LLC

5 EASTMANS ROAD, Block 739, Lot 4

SECTION 2. In connection with the above listed property (or properties), there shall be **No Parking in the Fire Zones** as outlined by cross-hatching on map(s) on file in the Office of the Township Clerk.

SECTION 3. Pavement markings and signage, as hereinafter described, shall be installed by the owner of each property listed in Section 1 within 30 days from the effective date of this ordinance.

- a) pavement marking: all curbs within the designated fire zone shall be painted yellow except when Belgian block curbing is utilized, then a 4 inch solid line, 1 foot from the base of the curb shall be painted.
- b) signage: “no parking – any time” signs as deemed appropriate by the District Fire Chief shall be of uniform size and height being not less than 7 feet from the ground to the sign. All signs shall be in accordance with the Manual on Uniform Traffic Control.

SECTION 4. For violation of any provision of this ordinance, the penalty, upon conviction, shall be as set forth in chapter 1, Section 1 -17 of the Code of the Township of Parsippány-Troy Hills.

SECTION 5. For failure to install the required signs and lines as detailed in this ordinance, the owner of each property listed in Section 1 shall be subject to penalty and/or arrest as provided for in New Jersey Uniform Fire Code, N.J.A.C. 5:70-2.12.

SECTION 6. This ordinance shall take effect upon final passage, approval and publication as required by law.