

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

October 11, 2011

The following are the Minutes from an Agenda Meeting of Parsippany-Troy Hills Township Council which was held on October 11, 2011, in the Township Municipal Building, 1001 Parsippany Boulevard, Parsippany, N.J., Council Vice-President dePierro 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 Carifi, Cesaro, Stanton, Ferrara, Mr. Wyciskala Esq., Township Attorney Office and - President dePierro.

Council President dePierro introduced the following as in attendance also: Mayor J. Barberio, Jasmine Lim, Business Administrator, , Esq., Township Attorney and Carol Kehoe, Acting Township Clerk.

Mr. dePierro read the following statement: *the purpose of this meeting is to set the Agenda for the Regular Township Council Meeting of October 18, 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.

Council President dePierro read the following into the record:

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

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 Craftsman Farms Foundation **(2011:20)**

An Ordinance of the Township of Parsippany-Troy Hills, Morris County, New Jersey, to Amend and Supplement the Township Code, Chapter 420 Entitled “Water,” Section 420-5 Entitled “Water Rates and Charges” for the Purpose of Adjusting Water Rates **(2011:21)**

An Ordinance Amending Chapter 405, Vehicles and Traffic, Section 23, Stop Intersections, of the Code of the Township of Parsippany-Troy Hills, Morris County, New Jersey **(2011:22)**

TOWNSHIP COUNCIL AGENDA MEETING OF OCTOBER 11, 2011

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 the Parsippany Soccer Club **(2011:24)**

Status of Adopted Ordinances:

<u>Ordinance Title and Number</u>	<u>Adopted Date</u>	<u>Mayoral Action</u>	<u>Effective Date</u>
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 (2011:17)	9/20/11	9/22/11	10/17/11
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 (2011:18)	9/20/11	9/22/11	10/17/11
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 (2011:19)	9/20/11	9/22/11	10/17/11

DISCUSSION/REMINDERS

Scheduled Meetings

- | | |
|----------------------|--|
| 10/18/11 @ 7:30 p.m. | Regular Meeting
Public Invited – Public Participation |
| 11/22/11 @ 7:30 p.m. | Agenda Meeting
Public Invited – Public Participation |

Minutes for Approval:

Agenda Meeting of 9/13/11

Regular Meeting of 9/20/11

MAYOR

None Submitted

ADMINISTRATION

Bid(s)

Awarded: Third Party Billing for Ambulance Services for EMS

The Administrator explained that the award is going to the lowest bidder.

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

Received: None

Requested: None

Resolution(s):

Authorizing a Contract with Green Sky Industries, Inc. for the Marketing of Recycled Material

Approval of Amendment #1 to the 1995 Water Supply Agreement with the Morris County Municipal Utilities Authority

Approving Emergency Purchases – Sewer Utility (New Road Pump Station)

Awarding Contracts for Professional Engineering, Real Estate Appraisal and Planning Services

Authorizing the Preparation and Submission of an Application Seeking Approval for the Agreement for Bio-Processing and Energy Supply Services with Bio Energy Center, LLC, a Synagro Company

Awarding a Contract to Sunbright Services Building Maintenance, LLC for Janitorial Services for Police Headquarters

TOWNSHIP COUNCIL AGENDA MEETING OF OCTOBER 11, 2011

Emergency Repair of Turf Field at Veterans Park

Ordinance(s):

An Ordinance Granting Municipal Consent for the Operation of a Cable Television System Within the Township of Parsippany-Troy Hills, New Jersey to CSC TKR, LLC d/b/a Cablevision of Morris (2011:23) – *Tabled September 13, 2011*

The Administrator explained that this ordinance will be tabled until future negotiations with Gary Shaw of Cablevision are completed.

TOWNSHIP OFFICE REPORTS

Engineering Report of: October 2011

Council President dePierro stated there were no changes to the Engineering Report.

CHIEF FINANCIAL OFFICER

Resolution:

Authorizing an Emergency Appropriation of Funds with Respect to Hurricane Irene

ATTORNEY

None Submitted

TOWNSHIP OFFICES / COMMITTEES

None Submitted

COMMUNICATIONS

Correspondence:

None

APPLICATION(S)

Limousine Owner's License (New) – American Access Limousine, 181 New Road, Suite #225, Parsippany, NJ 07054 (2Vehicles)

Liquor License (Person to Person Transfer) – From Outback Metropolis I Limited Partnership d/b/a Outback Steakhouse #3153 to Outback Steakhouse of Florida, LLC, d/b/a Outback Steakhouse #3153

Council President dePierro asked the clerk if the above applications were in order; the clerk stated they were complete-ready for Council approval.

PUBLIC HEARING

Council President opened the Meeting for Public comments stating that there is a 5 minute time limit per speaker.

Roy Messmer, 10 Drumlín Dr.: Mr. Messmer questioned why Ordinance 57-8 (adopted October 21, 2008), which states that no new employees shall have a Township vehicle assigned to them for their use, is not being followed. He asked why Township employee, Joe Plescia, uses a town vehicle. And if in fact he has a vehicle for his personal use, he should reimburse the Township for that use.

Mayor Barberio stated that he only authorized Mr. Plescia to take a vehicle home once, and he will investigate this situation.

Richard Rosenthal, 3 Cambridge Rd.: Mr. Rosenthal stated that although his residence is in Parsippany, it has a Morris Plains zip code which is a serious problem. He stated that during the recent hurricane two large trees came down thru his garage seriously injuring his wife who was in the garage at the time. When he attempted to call 911 for help, giving his street address and the fact that he is in Parsippany, the dispatcher stated that according to her system, the property was in Morris Plains. Mr. Rosenthal said that this confusion caused an unnecessary and dangerous delay in the response to assist and transport his wife to the hospital.

Mr. Rosenthal said that this has been a problem for many years and all of his attempts to have his zip code changed have failed. He said that he has been told that it is a Federal responsibility to assign zip codes and asked if the Township can assist him in getting this change.

Council President dePierro said that he has tried in the past to consolidate five zip codes within Parsippany without success also. He suggested that Mr. Rosenthal try to circulate a petition to get more homeowners involved; Mr. Rosenthal said he will not circulate a petition, and asked again for the Township's help.

Jerry Behnke, 27 Farrand Dr.: Mr. Behnke informed Council that he was involved in an incident last January involving a Township truck and himself as he was operating his snow blower. He stated that the Township's JIF insurance refused to pay his claim. He stated that he has been an active volunteer in the Township and as a resident he feels that he

deserves better treatment and should be reimbursed for his expenses incurred with this incident.

Mayor Barberio stated that JIF will not pay and that he will meet with Mr. Behnke in his office to discuss this matter.

Pat Pettaccia, 182 Hawkins Dr.: Ms. Pettaccia asked if the recent promotions in the Police Department resulted in an increase in salaries, and if so, where does the money come from.

Mayor Barberio stated that there were salary increases and these funds are in the Police budget.

Ms. Pettaccia said she asked if Ordinance 2011:21 will increase the water rates and was told it would not; but, the Ordinance does state that there will be a \$187. fee.

Council President dePierro explained that the fee is for commercial 10 inch fire lines.

Ms. Pettaccia suggested that the bid amounts should be included on the Agendas.

Roy Conway, 95 Lakeview Dr.: Asked if there will be a follow up report to the investigation on the recent flooding issues.

Mayor Barberio said that he is waiting for the Engineer's report; he has had conversations with the Township Attorney and has been conducting an investigation. When he has completed the investigation, he will make a report and will contact Mr. Conway.

Council President dePierro closed the Meeting to the Public.

MOTION TO ADJOURN INTO CLOSED SESSION: Mr. Stanton

SECONDED BY: Mr. Cesaro

Council President dePierro read the following:

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: personnel matters

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.

SECONDED BY: Mr. Cesaro

Roll Call: Carifi, yes; Cesaro, yes; Ferrara, yes; Stanton, yes and dePierro, yes.

Council adjourned into Closed Session at 8:20 PM

MOTION TO OPEN THE MEETING INTO PUBLIC SESSION: Mr. dePierro

SECONDED BY: Mr. Cesaro

Roll Call: Carifi, yes; Cesaro, yes; Ferrara, yes; Stanton, yes and dePierro, yes.

THE FOLLOWING COUNCIL ACTION WAS REQUIRED:

Mr. Wyciskala explained that the Council met in Closed Session to discuss a settlement agreement which they are now prepared to take action on. Council President dePierro read the following Resolution:

RESOLUTION OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING A COMPLETE AND PERMANENT SETTLEMENT AGREEMENT AND RELEASE/DISMISSAL OF ALL CLAIMS WITH ACTING DEPUTY CHIEF PAUL PHILIPPS

WHEREAS, on May 20, 2011, Acting Deputy Chief Paul Philipps (“Philipps”) of the Parsippany-Troy Hills Police Department (“Par-Troy PD”) commenced an action known as Paul Philipps v. Township of Parsippany-Troy Hills, Docket No. 2010-3678 (the “Appeal”) before the New Jersey Civil Service Commission, appealing a promotional decision of the Township of Parsippany-Troy Hills (the “Township”); and

WHEREAS, to avoid the cost and uncertainty of continued litigation, Philipps and the Township desire to resolve all disputes arising from or related to Philipps' employment with the Township; and

WHEREAS, the Township and Philipps have fully and fairly negotiated the dispute underlying the Appeal and have reached an agreement; and

WHEREAS, the agreement between Philipps and the Township has been memorialized in a Complete and Permanent Settlement Agreement and Release/Dismissal of All Claims.

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

1. The Township Council hereby authorizes the Complete and Permanent Settlement Agreement and Release/Dismissal of All Claims by and between the Township and Philipps; and
2. The Township Council hereby authorized the Mayor, Business Administrator, and/or Township Clerk to execute and deliver the Complete and Permanent Settlement Agreement and Release/Dismissal of All Claims Philipps in the manner set forth in the Complete and Permanent Settlement Agreement and Release/Dismissal of All Claims.

Council President dePierro moved to approve the Resolution, Second by Mr. Ferrara.

Roll Call: Carifi, yes; Cesaro, yes; Ferrara, yes; Stanton, yes and dePierro, yes.

Councilman Stanton moved to adjourn the Meeting at 8:35 pm, Second by Mr. Cesaro.

Roll Call: Carifi, yes; Cesaro, yes; Ferrara, yes; Stanton, yes and dePierro, yes.