

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

November 29, 2011

Council President dePierro 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 Carifi, Jr., Cesaro, Ferrara, Stanton and dePierro

ALSO PRESENT: Mayor Barberio, J. Lim, Business Administrator; J. Wyciscala, Esq. Township Attorney; P Mader, Planning Board Secretary

**UPCOMING
MEETINGS:**

12/6/11 @ 7:30 p.m.	Agenda Meeting Public Invited – Public Participation
12/13/11 @ 7:30 p.m.	Regular Meeting Public Invited – Public Participation

BID(S)

To be Taken:

12/2/11 @ 11:00 am	Installation of a 30KW Roof Mounted Solar Panel Array for the Community Center/Tennis Facility
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REQUEST(S) FOR QUOTATION(S)/PROPOSAL(S)/QUALIFICATION(S):

None

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 Carifi, Cesaro, Ferrara, Stanton and dePierro

MINUTES FOR APPROVAL:

* Agenda Meeting of 10/11/11

* Regular Meeting of 10/18/11

BID AWARD(S):

* 11/7/11 – Pumping Station No. 4 Bypass Pumping Project

RESOLUTION(S):

* Authorizing Agreements and Actions to be Taken in Connection with the Morris County Improvement Authority's County of Morris Guaranteed Renewable Energy Program

* Appointing Anthony M. Bucco, Esq. as Special Legal Counsel and Fire Prevention Attorney for 2011

* Approving Emergency Purchases – Twin Disk Clutch Assembly at New Road Pump Station

* Issuing a Duplicate Tax Sale Certificate for Block 621, Lot 72

* Authorizing the Donation of Certain Abandoned Property Seized by the Parsippany Police Department to the Police Athletic League

* Authorizing Cancellations of Grant Fund Receivables and Reserve Balances

APPLICATIONS

* License – New Limousine – New Diamond Transportation, LLC, 239 New Road, Parsippany, NJ 07054, 6 Vehicles

ORDINANCES – INTRODUCTION(S)

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

Ordinance of the Township of Parsippany-Troy Hills in the County of Morris, New Jersey, Authorizing the Acquisition by Purchase of Property Identified as Block 734, Lot 4, on the Tax Map of the Township of Parsippany-Troy Hills and Commonly known as 460 South Beverwyck Road (Baldwin House) (2011:25)

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

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 77 East Halsey Road, LLC, 77 East Halsey Road, Block 740, Lot 2 (2011:26)

The following Ordinance was offered by Mr. Carifi, seconded by Mr. Ferrara:

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 Arya International, 1571 Route 46, Block 726, Lot 1(2011:27)

BE IT RESOLVED that the above Ordinances be 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 **November 29, 2011** and that said Ordinances be further considered for second reading and final passage at a Meeting to be held on **December 13, 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, Carifi, Cesaro, Ferrara, Stanton and dePierro

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

Ordinance of the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, to Amend and Supplement Chapter 290 Entitled Parks, Recreation Areas and Public Lands, Article I of the Code of the Township of Parsippany-Troy Hills (2011:28)

ROLL CALL: Carifi, No; Cesaro, No; Ferrara, Yes; Stanton, No; dePierro, Yes.
Motion Failed

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

None

DISCUSSION(S)

Community Hope has built several group homes in Parsippany. They now request money from the Housing Trust Fund to purchase 2-family home. Ms. Lim explained that the home contains two one bedroom apartments which would be reserved for veterans. The Township would get one housing credit per unit towards its Affordable Housing requirement. Community Hope has some funding and is asking for an additional \$170,000.00 from the Township for the purchase. This is more that we have spent in the past per credit.

Mr. Cesaro asked if this is part of the COAH requirements. Ms. Lim said yes. We do have \$5,000,000.00 in the Housing Trust Fund. Mr. Cesaro added that if we do not use this money we could lose it. Ms. Lim said potentially. Mr. dePierro said the state is looking to confiscate any money not used. Mr. Cesaro noted that this is not tax money. Mr. dePierro explained that the funds come from developers who have to contribute when they do building towards low and moderate income housing.

Ms. Lim said COAH is up in the air, and Mr. Wyciscala added the affordable housing obligation will not go away. COAH is now administered by DCA. The purpose for the Developer Fee money is to pay for that obligation, the collection was permitted by statute and we have the enabling legislation. The state does have the authority to take the money if the municipality does nothing with it. They can then use the funds anywhere in the state. Mr. Cesaro said we would still have the obligation even if the state takes the money so it would have to come from taxes.

Ms. Lim said if we ask that the housing be used for veterans they agreed to do that. She asked for a straw poll so they can go ahead and put an offer on the

property. There is still a process of a resolution or ordinance and public discussion.

ROLL CALL: Carifi, Yes; Cesaro, No, Ferrara, Yes, Stanton, Yes, dePierro, Yes

Mr. Cesaro said he was voting no based on his principal objection to COAH. The motion was carried

PUBLIC HEARING

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

Lucille Uhlman, 22 Tarn Drive – Addressed the Council with a plea for the retention of the Citizens Police Academy. She is a graduate of Class 10 and would like to see it remain as it is now. The current program covers the items mentioned in the Community Partnership suggested by Chief DeZenzo. Ms. Uhlman said she is a former reporter and she thought she knew how a police department works. In the nine weeks Captain Carifi covered information like statistics, when they should and should not call 911, qualifications for becoming a police officer, making a family emergency plan and many other things. Several members of past classes have gone on to join township emergency services. The program runs without tax dollars. There is no overtime for the officers involved. She would be willing to help run the program if needed. At her graduation the room was packed with family and friends.

Mayor Barberio said he would comment at the end of the public portion.

John Puglis, 9 Howell Court – Addressed the Council on the Bradford Pear trees that are planted all over the town. He and his wife prepared a forty-five page report on the trees and recommend that they be removed from town. The reason they did the report is because Mrs. Puglis was almost hurt by a tree falling on a clear day in July by a falling Bradford Pear. The pear was introduced in 1963. In the 60's and 70's it was thought to be the perfect tree. It is beautiful and insect resistant. Since then there is research to prove that the trees are not strong with branches growing at a sharp angle. Towns all over the country are removing the Bradford Pear. Trimming only delays the problem. Mr. Puglis added that he does not know if the act of God defense would help in a tragedy.

Mayor Barberio said he understands. Since he became Mayor most of the complaints on trees are on the Bradford Pear. He has spoken with the Forester and they are working on a plan to take them down. All members complimented the report Mr. Puglis prepared.

Jackie Puglis, 9 Howell Court – read a letter from her neighbor, Angela Lockhar regarding the trees (attached).

Umbaldo Cielo, owner of Parsippany Automotive at 141 North Beverwyck Road – made another plea from the Parsippany Police Academy. He is a graduate of class seven and a sponsor of the program. He said he would continue to support the program if it continues and could find other supporters.

Sonja Gangala, 6 Parrott Drive – Added to the conversation on the Bradford Pears. She had a large branch fall just in front of her recently. It is an issue.

Pat Petaccia, 182 Hawkins Avenue – Said she could not believe the golf fee ordinance did not pass when everything else is increasing. Regarding the group homes was the Township purchasing the? *Ms. Lim said no we would be funding the purchase.* Ms. Petaccia's main comment was about the open space money being used. She had asked that the balance of the open space money not be used until our neighbors in Lake Hiawatha have been straightened out. She was at a Board of Education meeting and heard that Open Space money may be used for turf at each High School field.

Mr. Stanton explained that it would be Open Space Recreational money. Mayor Barberio said it does matter that it is recreational money, not general open space money. There was a referendum in 2006 to include recreation, improvements and historic preservation. High School turf fields are recreation.

Ms. Petaccia said she hears what they are saying but she does not think the money be used in this way. The town should start thinking of other things than recreation.

Mayor Barberio said if he could have used the money for Lake Hiawatha he would have. On December 15 there is a presentation to the Board of Education about the matter. There is a process that must be followed.

Ms. Petaccia said she has seen laws have been changed to meet people's needs. She feels the discussion should have been more public.

Mr. Cesaro said the money is designated for uses by the 2006 referendum and there is nothing else we can do with it.

Roy Messmer, 10 Drumlin Drive – Commented the good turn out at the meeting. He pointed that Realogy is moving out of town and the state is giving them a credit to move to Madison. Mr. Messmer asked Mr. Stanton to explain the work he spoke of in one of his flyers about his fight against stacking. Regarding the statement made last meeting by John Inglesino about the Mayor's letter to the prosecutor that the residents are not ignorant and he did not mention that the letter was on Township stationary. He said the Faulkner act page twenty says legislative power includes inquiry powers. He asked based on that if there would be an investigation of Joe Plescia's use of the Township car and what reimbursement would be and the settlement with Ms. Duckworth who got \$38,000.00. He said he had laid out a lot of information and the town blew it. His last comment was to those who ran in the last election to use unspent funds to help the wounded veteran in town.

Councilman dePierro closed the public session.

Mayor Barberio responded about the Citizens Police Academy. He said he does not know who said the academy was definitely cancelled. When the new Chief came in he had great ideas and plans for the department. His plans are just as good as the academy. The Mayor said he has not made a decision yet but it is important for the Chief to run the department as he sees fit.

ADDITION(S)

Mr. Cesaro moved to go into Closed Session to discuss personnel matters, seconded by Mr. Stanton.

ROLL CALL: YES – Council Members, Carifi, Cesaro, Ferrara, Stanton and dePierro.

Mr. dePierro noted no action needed to be taken from the Closed Session.

ADJOURNMENT

The meeting was reconvened.

PRESENT: Council Members Carifi, Jr., Cesaro, Ferrara, Stanton and dePierro

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

ROLL CALL: YES – Council Members, Carifi, Cesaro, Ferrara, Stanton and dePierro.

The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Peggy Mader for Elesha Johnson, Township Clerk

Michael J. dePierro, President
Minutes approved: October 18, 2011