

**TOWNSHIP OF PARSIPPANY-TROY HILLS  
TOWNSHIP COUNCIL REGULAR MEETING  
December 13, 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](http://www.parsippany.net).

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

**ALSO PRESENT:** Mayor Barberio, J. Lim, Business Administrator; John Inglesino, Esq. Township Attorney; P Mader, Acting Township Clerk

**UPCOMING MEETINGS**

1/1/12 @12:00 Noon	Inauguration
1/3/12 @ 7:30 p.m.	Re-Organization Meeting Agenda Meeting Public Invited – Public Participation

**Mayor's Presentation(s):**

The Mayor made the following presentations to those who assisted following the flooding caused by Hurricane Irene.

Proclamation to Sean Verney, General Manager of the Parsippany Sheraton

Certificates of Appreciation to:

Parsippany Kiwanis  
Parsippany Police Department  
Office of Emergency Management  
CERT  
Fire Districts 1, 2, 3, 4, 5, & 6  
Rockaway Neck Ambulance  
Parsippany Ambulance Squad

Rescue and Recovery  
Rev. Don Bragg  
Parsippany Rotary  
Parsippany Women's Club  
Sons of Italy  
Barbara Ievoli, Director of Human Services  
Carlo Di Lizia, Health Officer  
Mike Kennedy  
Joe O'Donnell  
Loretta Gragnani  
Ann Erdmann  
Adam & Terry Checke

### **BID(S)**

#### **To be Taken:**

None

#### **Request(s) For Quotation(s)/Proposal(s)Qualification(s):**

None

### **ORDINANCES – SECOND READING & PUBLIC HEARING**

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

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 floor was opened to the public on this ordinance only.

**Roy Messmer, 10 Drumlin Drive** commented that under Mayor Letts the Open Space Committee purchased the property known as the Sheep Farm and the Township is finally doing something with the lot. He asked what are the plans for this house. Councilman dePierro said the garage will be used for the EMT's and the house will have meeting rooms available and the Chamber of Commerce may move in.

Mr. Messmer said the House is 200 years old, and will have to be brought up to code. Mayor Barberio said the house does not need much work. He added it will also be used for Historical purposes.

Mr. Messmer added that the Watnong Gardens which were purchased years ago are not advertised. He asked if the owners were still in the house. The Mayor said they are. Mr. Messmer said his point is that we purchase these properties and then do nothing with them.

Mr. Cesaro asked where the funds were coming from. Ms. Lim said the Open Space Fund, so no new taxes were involved.

Pat Petaccia, asked if there were appraisals and was told yes.

The public portion was closed.

Mr. Carifi completed the ordinance reading. Second by Mr. Stanton

**ROLL CALL: YES:** - Mr. Carifi, Mr. Cesaro, Mr. Ferrara, Mr. Stanton, Mr. dePierro.

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)

There was no public on this ordinance.

Mr. Cesaro continued the motion, seconded by Mr. Ferrara. Roll Call:

**ROLL CALL: YES:** Mr. Carifi, Mr. Cesaro, Mr. Ferrara, Mr. Stanton, Mr. dePierro.

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

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)

The floor was opened to the public on this ordinance only:

Pat Petaccia, Hawkins Drive, asked if anything was being done with the buildings. Mr. dePierro said they are paying taxes and occupancy is the owner's issue.

The public portion was closed.

Mr. Ferrara continues the motion, seconded by Mr. Cesaro.

**ROLL CALL: YES:** - Mr. Carifi, Mr. Cesaro, Mr. Ferrara, Mr. Stanton, Mr. dePierro.

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

**None**

**PUBLIC HEARING**

**Council President dePierro opened the meeting to the public on any issue not on the agenda, noting a five minute time limit.**

**Tom Wyka, 1 Bennett Court** responded to comments made about him at the last meeting. He said some people run to be someone and some run to do something. He said he will not run for council again if several issues are addressed;

1. Reinstate the Transparency Committee including himself and Ms. Catanzaro and revert back to the original ordinance.
2. As soon as possible do a RFQ for the Township Website so Alpha-Dog can compete and end the no bid appointment.
3. In a gesture of bi-partisanship adopt an ordinance or resolution that no less than 20% of the membership of any committee be populated by someone bearing the written endorsement of either major party at the time of appointment.
4. Any elected official who intends to sit beyond 2013 and who was responsible for the 2008 decision to award the highest bid Insurance policy to Morris County JIF issue an apology to the Taxpayers of the town. Lastly, Mr. Wyka wished everyone a Happy New Year inspite of personal feelings.

**Pat Petaccia, 182 Hawkins Drive** commented that the Board of Education is meeting Thursday to discuss the “Field of Dreams” project where artificial turf will be installed at the two high school football fields through open space funds. She said she had requested that open space funds be used for the flood victims. She said Anthony Bucco has a bill in the Assembly regarding Open Space money being used for flood victims. She hopes the Council supports that bill.

Mayor Barberio responded that Open Space money can be used in that way. Mr. Inglesino said open space money can be used to preserve open space and he can't see any reason why the town couldn't use it for flood mitigation. There must be a public purpose like flood mitigation, it can not just be used to help people out. Ms. Petaccia said the town could develop a pocket park or something like that, she does not think the fields are a good use of the money.

Mayor Barberio said there is a dedicated part of the open space funds for recreation. Right now there are four or five who have applied for acquisition of their property. with nine more on the fence. After they apply the town goes to FEMA who will pay 75% and the other 25% will be subsidized by the county depending on what their program is or by the Township. It is a long process including appraisals on the value. He said the fields and acquisitions are two different issues.

**Roy Messmer, 10 Drumlin Drive** said regarding Garden State JIF he liked what he heard last week. He said though that Mr. Cesaro was the only one to ask questions. Secondly he said the Township should have certified financials and statements on their reserves. Mr. Messmer said he objected to statements by Mr. dePierro last week that three years ago we went with JIF because it was a three year contract. He said it was not a three year contract with no changes, the fees have increased every year. Mr. dePierro said there is a three year contract and they knew what the increases would be. Mr. Messmer challenged that.

On Garden State JIF Mr. Messmer asked the administration to show an article on the library for a generator and sump pump. He said we should ask Garden State to do a property review for the Township, review past law suits, review the SOP's of the town and employee manuals including the Police Department and have a seminar for the public.

Mr. Messmer asked the Council to give the public their due, this is a Council meeting not the Mayor's meeting. He said he received the cost of Joe Plescia using his town car and when will it be reimbursed. He asked if a note was put in his personal file. Mr. Inglesino said he was instructing the Council not to answer any matters regarding personnel matters.

Mr. Messmer again said the Duckworth settlement should not have happened and the prior administration was sleeping. He said the residents of Glacier Hills are not happy and asked this mayor to review and make sure the paperwork is prepared correctly.

There was no one else wishing to speak so the public portion was closed.

## **CONSENT AGENDA**

Mr. Stanton 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. Ferrara..

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

### **There are two add-ons.**

Mr. Carifi made a motion to add the items to the agenda. Second by Mr. Cesaro.  
**YES** - Mr. Carifi, Mr. Cesaro, Mr. Ferrara, Mr. Stanton and Mr. dePierro.

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

Amending the 2011 Budget for the Drive Sober or Get Pulled Over Grant in the amount of \$5000.00. (Attachment No. 1)

**ROLL CALL: YES** - Mr. Carifi, Mr. Cesaro, Mr. Ferrara, Mr. Stanton, Mr. dePierro,

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

Amending the 2011 Budget for the FY 2012 Pedestrian Safety Grant in the Amount of \$8,000.00. (Attachment No. 2)

**ROLL CALL: YES:** Mr. Carifi, Mr. Cesaro, Mr. Ferrara, Mr. Stanton, Mr. dePierro,

Mr. Inglesino said he is proposing going into Closed Session to discuss contract negotiations regarding discussions that he and the Mayor have had with the Board of Education regarding the Field of Dreams.

Mr. Cesaro made a motion to adjourn to Closed Session. Motion seconded by Mr. Carifi.

**ROLL CALL: YES:** Mr. Carifi, Mr. Cesaro, Mr. Ferrara, Mr. Stanton, Mr. dePierro,

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

Mr. Cesaro made a motion to come back into Open Session. Motion seconded by Mr. Stanton.

**ROLL CALL: YES:** Mr. Carifi, Mr. Cesaro, Mr. Ferrara, Mr. Stanton, Mr. dePierro,

Mr. Ingelsino said there was one item he needed to have addressed. He is recommending the appointment of Special Legal Counsel to deal with the matters connected to the Mosberg trial which is scheduled for March. Mr. Mosberg's attorneys have been calling individuals connected with the Township for interviews and because of that he recommends the hiring of a special counsel.

He is recommending Mark Ruffalo, a former partner who spent twenty years in the US Attorney's Office. He will serve as counsel to Mr. Inglesino's office. Mr. Cesaro asked if this would be on an as needed basis and Mr. Ingelsino said yes.

Mr. Cesaro made a motion to hire Mark Ruffalo as Special Counsel for matters relating to the trial of Edward Mosberg. Motion seconded by Mr. Stanton.

**ROLL CALL: YES:** Mr. Carifi, Mr. Cesaro, Mr. Ferrara, Mr. Stanton, Mr. dePierro,

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

**ROLL CALL: YES:** Mr. Carifi, Mr. Cesaro, Mr. Ferrara, Mr. Stanton, Mr. dePierro,

The meeting adjourned at 9:20 p.m.

Respectfully submitted,

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Peggy Mader for Elesha Johnson, Township Clerk

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Michael J. dePierro, President

Attachment No. 1

**Amending the 2011 Budget for the Drive Sober or Get Pulled Over Grant in the amount of \$5000.00.**

**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 \$ 5,000.00 which item is now available as revenue from:

State of New Jersey  
Section 410-Alcohol Traffic Safety & Drunk Driving Prevention  
Incentive Grants-CFDA 20.601

**BE IT FURTHER RESOLVED** that a like sum of \$ 5,000.00 and the same is hereby appropriated in the Current Fund Budget under the caption of:

State of New Jersey  
Drive Sober or Get Pulled Over 2011  
Year End Statewide Crackdown

**Amending the 2011 Budget for the FY 2012 Pedestrian Safety Grant in the Amount of \$8,000.00**

**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 \$ 8,000.00 which item is now available as revenue from:

State of New Jersey  
Division of Highway Safety  
Section 402-State & Community Highway Safety CFDA 20.600

**BE IT FURTHER RESOLVED** that a like sum of \$ 8,000.00 and the same is hereby appropriated in the Current Fund Budget under the caption of:

State of New Jersey  
Division of Highway Traffic Safety  
Pedestrian Safety Program FY 2012