

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

July 10, 2012

Public Invited – Public Participation

MEETING CALLED TO ORDER by Council President Stanton at 7:35 p.m.

FLAG SALUTE

Roll Call:	Mr. Carifi	-	Present
	Mr. dePierro	-	Present
	Mr. Ferrara	-	Present
	Mr. Stanton	-	Present

OTHERS PRESENT: Mayor Barberio; Jasmine Lim, Business Administrator; John Inglesino, Esq., Township Attorney; Carol Kehoe, Acting Township Clerk

The purpose of this meeting is to set the Agenda for the Regular Township Council Meeting of July 17, 2012.

FORMAL ACTION MAY OR MAY NOT BE TAKEN.

STATEMENT OF COMPLIANCE

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 19, 2011.

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.

APPOINTMENTS:

Council Member – James Vigilante – Oath of Office given by Assemblywoman BettyLou DeCroce

The following speech was given by Councilman Vigilante after being sworn in:

Good evening Ladies, Gentlemen, Distinguished Guests and my fellow Veterans. A special thanks to Assemblywoman DeCroce. I had the honor of your late husband Assemblyman Alex DeCroce to swear me in on my previous "Oath of Offices" now I share that honor with you, THANK YOU.

I'm back and it feels good. Please accept my heartfelt gratitude for allowing me the opportunity to serve you again. I want to "THANK" the Parsippany Republican Committee for voting for me as one of the 3 names to be submitted to the PTH Council and the PTH Council for voting me in. Unfortunately, I was not able to attend and address the committee or council because I was serving with the USAF Reserves at the Navy Medical Center at San Diego. I want to thank Councilman DePierro for his kind words in addressing the committee on my behalf, Dr. Valori for his support and friendship and Julie Carifi for putting her name into the political arena. FYI: the medical center I was working at is known as the Walter Reed, Bethesda of the West. I have seen our Veterans with missing limbs and trying to walk on their new prosthetic legs. Between there and what I witnessed in Afghanistan this time last year, I wouldn't wish those visions on anyone, but I also would not trade the experience for anything. I served with the best of the best and continue to serve our Wounded Warriors and my medical folks as a First Sergeant. I am a better man and I appreciate life and what it has to offer, no matter what it may be.

Look around you and notice some of the Veterans here before you, some of our Police Officers, Township workers, American Legion and VFW Veterans they are a testament to the spirit and courage displayed by all men and women who wear the uniform or have worn the uniform. We are the beneficiaries of their commitment and sacrifices they and their comrades have made so that you and your children may grow up and enjoy the blanket of freedom -- that precious gift -- that protects us every day of our lives. The moment all of you raised your right hand and said "So Help Me God" we became family. There is a strong bond amongst Veterans. If you are a Veteran no words are necessary, for those that are not, no words are adequate.

If every person took a few moments to look back over their life they might come to recall one single moment or event that changed them completely. One event that shook them to their core and altered the course of their life. One special time when they realized that there was a meaning to life that they had never considered. A moment where everything else paled and faded by comparison. One event that opened up the world for them and gave them a sense of their own existence. For me; returning to the Township Council is one of those moments. Everyone's moment may not be the road that ends up walking them through life but it is the road that will lay the gravel that starts your journey and in many ways defines it. It doesn't always make sense, but the day will come when it doesn't have to make sense to be defining. If you are lucky enough that moment will be one that gives you a sense of purpose and meaning. You will know that moment when it occurs, the intensity and vulnerability of that moment will be one of your defining moments that will forever be etched in your character.

I look forward to the challenges and opportunities of the future. I will make you a very simple promise; that I will be a voice of reason and compromise, one of optimism, hope, dedication and determination. I will be the type of public servant that you can count on: an individual who speaks his mind, not afraid to make the tough and difficult decisions, works for the betterment of the community, and always treats the residents with the respect they deserve. Parsippany faces many challenges ahead but, when elected officials work hand-in-hand with the residents there is

no limit to what can be accomplished. I am confident that Parsippany will continue to move in the right direction.

My political career is not one of self indulgence, but of service before self, it is not one of self merit, but of excellence in all that I try to accomplish, it is not one of self characterization but of honesty and integrity. Public service is not a title or word for me, but a way of life; as I continue to serve my fellow Americans as a United States Air Force Reservist and my residents as your new Township Councilman. I look forward to hitting the ground running and doing the best Damn job I know how to do. I will be donating 10% of my net earnings to various Veteran Programs. I thank you for your time, this time, till next time and God Bless.

After being sworn in Councilman Vigilante presented resident Dennis Letts with one of the many flags he flew while in service in Afghanistan last September 11th. Councilman Vigilante flew one for Mr. Letts in honor of his heroic acts during the fall of the Twin Towers in New York City.

PRESENTATION(S):

Councilman dePierro read a statement regarding five Township Ordinances that were adopted between 2003 and 2005 regarding Police Organization and the amount of officers in any given position. An agreement was made between prior Mayor Luther, prior Chief of Police Michael Peckerman, the Police Department and the Council that if they promoted a Captain to Deputy Chief the Captain's position would remain vacant. Councilman dePierro stated that the department is too top heavy and he is not in agreement with Mayor Barberio's and Chief DeZenzo's decision to make a fourth Captain while having a Deputy Chief. Mr. dePierro made a motion to correct the current ordinance to say there should not be more than three captains. He recommended an amendment to the current ordinance. Councilman Carifi seconded the motion.

Mayor Barberio stated he would be meeting with Councilman dePierro this week to discuss his reasons why he feels the need for a fourth captain. Mayor Barberio stated that having the Police Department assume the responsibilities of OEM created the need for a fourth captain. Councilman dePierro stated that in the long term he does not feel promoting another captain is in the best interest of the town. He would rather hire six new police officers.

Councilman Ferrara suggested tabling the motion for 30 days until further research and discussion can be done. He would like to participate in meeting with the Mayor and Councilman dePierro.

Councilman Carifi wanted to know why the OEM could not report to the Deputy Chief or to a Lieutenant as there is still a Deputy Coordinator.

Mayor Barberio said in response that this was a recommendation from Chief DeZenzo. The Mayor said the Council should give him the opportunity to explain his reasoning for a fourth captain since he has 30 years experience with the town. Councilman Carifi wanted it clarified why OEM could not report to the Deputy Chief who has numerous years on the force as well.

Councilman dePierro stated that if the majority want to table his motion he would respectfully request that the Mayor make no promotions until this issue is fully resolved to the Council's satisfaction. Mayor Barberio agreed to hold that until after they had their meetings with the Chief.

Council President Stanton said they would table the motion at this time and he appointed Councilman dePierro and Councilman Ferrara to attend the meeting with the Chief. Councilman Carifi asked if the Chief would come to a Council meeting: Council President Stanton replied yes.

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

An Ordinance of the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey, Approving Restrictions on Maximum Occupancy of Residential Units **(2012:28)** PULLED

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 **(2012:29)**

Status of Adopted Ordinances:

<u>Ordinance Title and Number</u>	<u>Adopted Date</u>	<u>Mayoral Action</u>	<u>Effective Date</u>
No Parking Fire Zones at 311-401 Smith Road (2012:19)	6/19/12	6/22/12	7/22/12
Providing for Retirement Payouts and Authorizing a Special Emergency Appropriation (2012:20)	6/19/12	6/22/12	7/22/12
Exceeding Budget Appropriation Limits and Establish a Cap Bank (2012:21)	6/19/12	6/22/12	7/22/12
Establishing White Collar Salaries (2012:23)	6/19/12	6/22/12	7/22/12
Bond Ordinance – Various Capital Improvements (2012:24)	6/19/12	6/22/12	7/25/12
Bond Ordinance – Various Water Utility Improvements (2012:25)	6/19/12	6/22/12	7/25/12
Bond Ordinance – Various Sewer Utility Improvements (2012:26)	6/19/12	6/22/12	7/25/12

Bond Ordinance – Golf and Recreation Utility Improvements (2012:27)	6/19/12	6/22/12	7/25/12
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Scheduled Meetings:

7/17/12 @ 7:30 p.m. Regular Meeting
Public Invited – Public Participation

8/14/12 @ 7:30 p.m. Agenda Meeting
Public Invited – Public Participation

Minutes for Approval:

Agenda Meeting of 6/12/12 **ON***

Discussion:

MAYOR

Mayor said they met with FEMA and with the Administrator from Little Falls and things are running smooth now in lower Lake Hiawatha with houses that were substantially damaged during the flood. He thanked the Administrator for all of her work in helping with the flooding issue in lower Lake Hiawatha.

The Mayor said to Councilman Ferrara that it is time for the township’s Economic Development Committee to meet.

ADMINISTRATION

Bid(s)

Taken:

6/21/12 Sealed Proposals for Valve Replacement in Dry Well at the Wastewater Treatment Plant **BID AWARD***

To Be Taken:

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

Received: None

Requested: None

Ordinance(s) Introductions:

An Ordinance of the Township Council of the Township of Parsippany-Troy Hills Amending Chapter 405, Vehicles and Traffic, Section 22, Through Streets, and Section 24, Multi-Way Stop Intersections, of the Code of the Township of Parsippany-Troy Hills (2012:30) **ON**

An Ordinance of the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey, Approving Restrictions on Maximum Occupancy of Residential Units (2012:31) **ON**

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 Parsippany Soccer Club, Inc. for Reynolds Avenue Soccer Fields and Associated Facilities (2012:32) **ON**

Resolution(s):

Mt. Tabor Children's Day Fireworks **ON***

Designating Bus Stop Relocation on Route 46 near Baldwin Road
Awarding Bid for Valve Replacement in Dry Well at the Wastewater Treatment Plant to Rapid Pump & Meter Service Co. Inc., 285 Straight Street, Paterson, NJ 07509 for a Total Bid Price of \$64,880.00 **ON***

Authorizing the Use of Competitive Contracting for Private Collection of Municipal Court Debt **ON***

Amended Resolution of the Township Council of the Township of Parsippany-Troy Hills Awarding a Contract for Health Insurance Broker of Record Services **ON***

TOWNSHIP OFFICE REPORTS

Engineering:

Resolution(s):

Approving the Release of Performance Guarantee for Final Site Plan for TL Gardens at Parsippany Located at 1100 Parsippany Boulevard, Block 411, Lot 32 **ON***

Engineering Report of: July 2012

Status of Road Resurfacing-Puddingstone Area

The Developer has installed a water main and sanitary sewer line on a portion of Puddingstone Road. We have been working with the developer and will make temporary improvements until the sanitary sewer line is turned over to the Township. A meeting has taken place with the developer but there has been no resolution at this time. **(No Change) NEXT AGENDA**

Revisions to Escrow Requirements in Connection with Residential Sidewalk/Driveway Repairs

The Lau's have expressed their unhappiness with the Township over the escrow fee and their belief that it is unnecessary and onerous on residents. Former Township Engineer Michael Pucilowski wanted to review the ordinance and draft changes to reduce the amount of escrow required for work performed between the property line and the edge of pavement in the Township right-of-way however this was not accomplished before his retirement.

We recently received a letter from Mr. & Mrs. Fraga also expressing their displeasure with the escrow requirement and with the burden on the property owner to request the return of escrow funds. Many people do not request their escrow back after one year. In an effort to help residents the Engineering and Finance offices have been compiling a list of right-of-way escrows that have not been returned.

I met with Michael Pucilowski and asked for his aid in reviewing the ordinances and making recommendations. Recommendations will be presented. **(No Change)**. **NEXT AGENDA**

Edgefield Drive No Parking Zone (Upper)

A meeting will be scheduled with Mt. Tabor Fire Chief Smith to review the no parking area on an upper section of Edgefield Drive. A recommendation will be made following this meeting. **(No Change)** **NEXT AGENDA**

Canterbury Estates Vacation of Lots 26 and 77 in Block 98

The applicant of Canterbury Estates has requested the vacation of Lot 26 in Block 98. This lot was apparently created as an access route to Lot 77 which was reserved for a future water tower. I take no objection to the vacation of the entire Lot 26 from Foote Lane to Lot 77. Please refer to my May 5, 2009 memo on this subject. The metes and bounds descriptions have been reviewed and were sent back to the attorney for revisions. Once acceptable an Ordinance will need to be adopted by the Township Council to vacate this right-of-way. **(No Change)** **NEXT AGENDA**

New Road Flood Mitigation

A property owner on New Road has requested that the Township raise New Road high enough to stop future flooding and closure of the roadway. Our preliminary cost estimate is \$200,000 to \$250,000. **We are working with FEMA to secure funding for this project. We request that this item be removed from the Agenda until funding has been secured.**

COUNCIL APPROVED THE REMOVAL FROM THE AGENDA.

Train Horns at Intersections – Quiet Zones

The result of the diagnostic team meeting from June 2009 showed that the only acceptable method of implementing a quiet zone at the Powder Mill Road grade crossing would be if the rail crossing was upgraded to include 4 quadrant gates as well as other ancillary warning devices. The cost for the quad gates is over \$700,000 not including improvements to the dam, power-out

warning devices and a 20 year maintenance obligation. **The report on our findings was presented to the Council. We request that this item be removed from the Agenda.**

COUNCIL APPROVED THE REMOVAL FROM THE AGENDA.

Glacier Hills Sidewalk

Questions have arisen about the annual sidewalk replacement project which included locations in the Glacier Hills section of town last year. Property owners are responsible for the maintenance and replacement of sidewalk along the frontage of their property however, the Township is responsible for repair/replacement if the damaged is caused by a Township tree. The annual project is for the replacement of curb & sidewalk damaged by trees in the Township right of way. This office is evaluating the quality of work completed at the end of last year and any corrective action needed will be addressed once the project begins again this spring. **(No Change) NEXT AGENDA**

Multi-way Stop – Camden Road / Hamburg Road Intersection

A multi-way stop is proposed at the intersection of Camden Road and Hamburg Road. A study was conducted by Gordon Meth of the RBA Group and it was determined that a multi-way stop was warranted based on data obtained. This office has no objection to a multi-way stop at this intersection. Amendments to the Chapter 405, Sections 22 and 24 are required. **An ordinance has been prepared and would need to be adopted by the Council. NEXT AGENDA**

TL Gardens at Parsippany, Performance Guarantee Release – Block 411 Lot 32

The developer has completed all required site construction activity of the performance guarantee. Inspections have been made at the site during the course of construction and this office has no objection to the release of the performance guarantee in the form of a letter of credit. **A Resolution will need to be adopted by the Township Council. NEXT AGENDA**

CHIEF FINANCIAL OFFICER

Resolution(s):

Authorizing the Cancellation of Animal Trap Securities into the Animal Control Trust Account **ON***

Authorizing the Cancellation of Tax Sale Premiums to the Miscellaneous Revenue Not Anticipated (Certificate #5476) **ON***

Authorizing Special Item of Revenue in 2012 Budget – State of New Jersey, Division of Motor Vehicles Alcohol Education Rehab Enforcement Fund in the Amount of \$1,510.97 **ON***

Authorizing Special Item of Revenue in 2012 Budget – County of Morris, Department of Human Services, Juvenile Accountability Leadership Program in the Amount of \$5000.00 **ON***

ATTORNEY

TOWNSHIP OFFICES / COMMITTEES COMMUNICATIONS

Correspondence:

None

APPLICATION(S)

New Limousine License – One Star Limousine, 1259 Route 467, Bldg. 1, First Floor, Parsippany, NJ 070547 (1 Vehicle) ON*

*** Consent Agenda Items**

PUBLIC HEARING

Brian Stanton opened the floor for the public to speak.

Bob Venezia, 102 Brooklawn Drive, commented that he was happy with the reduction on the Open Space Tax. At first he thought it was a \$200,000 tax cut but after further deliberation he wasn't sure if that was the case. Mr. Venezia wanted clarification if the reduction reduces the tax base that the 2% cap is used for. He stated that would not be considered a tax cut then.

Jasmine Lim stated the levy cap applies to the general levy not to the Open Space portion. Open Space is a separate levy. Council President Stanton said the \$200,000 cannot be used in the General Fund.

Township Attorney Inglesino the town would be collecting \$200,000 less in money which would qualify as a tax cut. He reiterated that it is a separate levy.

Roy Messmer, 10 Drumlin Drive, questioned when the Occupancy Ordinance was going to be finalized. Jasmine Lim explained that since it was amended the introduction would be next week and the adoption would be next month. Mr. Inglesino said that public comments regarding the ordinance should be at the second reading at the Public Hearing.

Mr. Messmer wanted to know if the Department of Community Affairs had given an organization chart to the township a few years back that was supposed to be followed in regards to the Deputy Chief position. Mayor Barberio replied that the report was not received until 2010. The Mayor conceded to Mr. Messmer that recommendations were made by the DCA.

Mr. Messmer questioned the cost to taxpayers for the Community Partnership Program i.e. overtime to 2 police officers, bill from the Sheraton. Mayor Barberio said that a resident made a donation to offset the costs. The costs to taxpayers were \$64. He continued to state that the program would bring the community together and he hopes for more corporate sponsors.

Mr. Inglesino commented to Mr. Messmer on the powers of the Council in appointing a candidate to fill a vacancy. He explained that the names came from the County Committee the day before the council meeting which did not provide much time to research the issues. He said the law was extremely clear as to why Dr. Valori was ineligible to run. He said that Dr. Valori never communicated anything to him regarding the issue of his candidacy.

Councilman dePierro said that there was no motion made in regard to tabling the discussion on amending the ordinance for the appointment of captains, etc.

Councilman Ferrara made the motion, Council President Stanton seconded the motion. All were in favor.

Formal Action to Be Taken by Council This Evening on the Following Resolutions:

Resolution(s):

Authorizing the Award of a Contract for Professional Services to Burgis Associates, Inc. for Preparation of a Housing Element and Fair Share Plan in Connection with the Amended “Third Round” Requirements Adopted by the Department of Community Affairs/Council on Affordable Trust Fund

Motion to Award a Contract for Professional Services to Burgis Associates, Inc. for Preparation of a Housing Element and Fair Share Plan: Councilman Vigilante

Seconded By: Councilman Ferrara

Roll Call:	Mr. Carifi	-	yes
	Mr. dePierro	-	yes
	Mr. Ferrara	-	yes
	Mr. Vigilante	-	yes
	Mr. Stanton	-	yes

Authorizing the Award of a Contract for Professional Services to Burgis Associates, Inc. for Preparation of a Spending Plan in Connection with the Township’s Affordable Housing Trust Fund

Motion to Award a Contract for Professional Services to Burgis Associates, Inc. for Preparation of a Spending Plan: Councilman Carifi

Seconded By: Councilman Ferrara

Roll Call:	Mr. Carifi	-	yes
	Mr. dePierro	-	yes
	Mr. Ferrara	-	yes
	Mr. Vigilante	-	yes

Mr. Stanton - **yes**

Authorizing the Execution of an Amendment to the Memorandum of Understanding with the Department of Community Affairs and Human Services and the New Jersey Housing Mortgage and Finance Agency by Increasing the Allocation of Funds to the Special Needs Housing Partnership

Motion to Authorize the Execution of an Amendment to the Memorandum of Understanding with the Department of Community Affairs and Human Services and the New Jersey Housing Mortgage and Finance Agency: Councilman Ferrara

Seconded By: Councilman Carifi

Roll Call:

Mr. Carifi	-	yes
Mr. dePierro	-	yes
Mr. Ferrara	-	yes
Mr. Vigilante	-	yes
Mr. Stanton	-	yes

Resolution Allocating Money from Municipal Affordable Housing Trust Fund to Morris Habitat

Motion to Allocate Money from Municipal Affordable Housing Trust Fund to Morris Habitat: Councilman dePierro

Seconded By: Councilman Carifi

Roll Call:

Mr. Carifi	-	yes
Mr. dePierro	-	yes
Mr. Ferrara	-	yes
Mr. Vigilante	-	yes
Mr. Stanton	-	yes

Resolution Allocating Money from Municipal Affordable Housing Trust Fund to the Rose House

Motion to Allocate Money from Municipal Affordable Housing Trust Fund to the Rose House: Councilman Vigilante

Seconded By: Councilman dePierro

Roll Call:

Mr. Carifi	-	yes
Mr. dePierro	-	yes
Mr. Ferrara	-	yes
Mr. Vigilante	-	yes
Mr. Stanton	-	yes

Resolution Allocating Money from Municipal Affordable Housing Trust Fund to Comprehensive Behavioral Health Care

Motion to Allocate Money from Municipal Affordable Housing Trust Fund to Comprehensive Behavioral Health Care: Councilman Carifi

Seconded By: Councilman dePierro

Roll Call:	Mr. Carifi	-	yes
	Mr. dePierro	-	yes
	Mr. Ferrara	-	yes
	Mr. Vigilante	-	yes
	Mr. Stanton	-	yes

MOTION TO ADJOURN MEETING: Councilman dePierro

SECONDED BY: Councilman Ferrara

Roll Call:	Mr. Carifi	-	yes
	Mr. dePierro	-	yes
	Mr. Ferrara	-	yes
	Mr. Vigilante	-	yes
	Mr. Stanton	-	yes

MEETING ADJOURNED: 8:30 p.m.

Date: July 10, 2012

Carol Kehoe, Acting Clerk