

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

April 9, 2013

Public Invited – Public Participation

MEETING CALLED TO ORDER by Council President Stanton at 7:30 p.m.

FLAG SALUTE

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

OTHERS PRESENT: Jasmine Lim, Business Administrator; Paula Cozzarelli, Assistant Business Administrator; for John Inglesino, Esq., Township Attorney; and Yancy Wazirmas, Township Clerk.

The purpose of this meeting is to set the Agenda for the Regular Township Council Meeting of April 16, 2013.

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 10, 2012 where it has remained posted since that date. A legal notice appeared in both the Daily Record on December 14, 2012 and the Star Ledger on December 13, 2012 and was forwarded by fax to other local newspapers and local radio stations on December 10, 2012.

In addition, adequate notice of the location change 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 notice on the bulletin board at the Municipal Building on March 12, 2013 where it remains continuously posted. A legal notice appeared in the Daily Record on March 13, 2013 with the location changes for the specified meeting dates.

Note (new day and time): Council Meetings are videotaped and aired on Cablevision, Public Access Channel 21, at 12:00 p.m. on Sundays and are also available for viewing at www.parsippany.net.

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Discussion:

Mr. Inglesino gave an update to the Township Council on the Waterview Property. The ordinance to re-zone the property which was tabled during the March Regular meeting, will not be considered tonight or at the Regular Meeting scheduled for April 16, 2013. Per the request of the attorney representing the group Citizens For Health, Safety and Welfare, a meeting of professionals only will be coordinated to discuss the project.

PRESENTATIONS

- Proclamation presented by Mayor James R. Barberio to ***Susan G. Komen North Jersey Race for the Cure*** for breast cancer awareness.
- Certificate presented by the Township Council of the Township of Parsippany-Troy Hills to ***Susan G. Komen North Jersey Race for the Cure*** for breast cancer awareness.
- Proclamation was to presented by Mayor James R. Barberio for Barbershop Harmony Week. (No representatives were in attendance.)

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

- None

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 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 (2013:05)	03/19/13	3/22/13	4/11/13
An Ordinance of the Township of Parsippany-Troy Hills, in the County of Morris, State of New Jersey, Setting Fees for Recreation Permits (2013:06)	03/19/13	3/22/13	4/11/13
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: 1479 Route 46, Block 726, Lot 6 (2013:07)	03/19/13	3/22/13	4/11/13

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DISCUSSION/REMINDERS:

Scheduled Meetings

4/16/13 @ 7:30 p.m. Regular Meeting (PHS)
Public Invited – Public Participation

5/7/13 @ 7:30 p.m. Agenda Meeting (PHS)
Public Invited – Public Participation

Minutes for Approval:

3/11/2013 Special Meeting **ON***
3/19/2013 Regular Meeting **ON***
3/19/2013 Closed Session **ON***

MAYOR

- Mayor Barberio gave an update on the FEMA House Elevation Project bids that were received. At this point, there have been two unsuccessful bids and we will begin negotiations with the contractors to try and bring the costs to the allotted amounts.

ADMINISTRATION

Bid(s)

Taken:

3/14/2013 @ 11:00am Rehabilitation Services for Public Community Water Supply (PCWS) Well 20 & 21 **NOTED**

4/3/2013 @ 10:00am 2012 FEMA Acquisition/Demolition Project – Re-bid **NOTED**

4/3/2013 @ 11:00am FEMA House Elevation Project, Phase I – Re-bid **NOTED**

4/3/2013 @ 12:00pm FEMA House Elevation Project, Phase III – Re-bid **NOTED**

4/4/2013 @ 11:00am Reconstruction of Reynolds Avenue – Phase I **NOTED**

To Be Taken:

4/12/2013 @11:00am Rental of Heavy Equipment **NOTED**

4/24/2013 @ 11:00am Route 46 Water Main Replacement, Hill Road to Cherry Hill Road- Re-bid **NOTED**

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4/24/2013 @ 11:00am Road Reconstruction Project for Mount Tabor – Sommerfield Avenue, Hedding Place, West Morris Avenue, Banghart Place, Embury Place, Asbury Place, Westley Place **NOTED**

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

Received:

4/4/2013 @ 10:00am **RFP – Private Collection of Municipal Court Debt (Bid Date was changed from 3/21/2013 @ 11:00am) NOTED**

Requested:

None

ORDINANCE(S):

- An Ordinance Of The Township Council Of The Township Of Parsippany-Troy Hills, Morris County, New Jersey Amending Chapters 329 Entitled “Sewers” And 420 Entitled “Water” Of The Code Of Township Of Parsippany-Troy Hills For The Purpose Of Establishing Fees And Average Daily Water And Sewage Flows For The Year 2013 **INTRODUCTION - ON**

RESOLUTION(S):

- Resolution authorizing grant agreement (#PF13-017) between the Township of Parsippany-Troy Hills and the NJDEP Division of Parks and Forestry for \$39,300.00 **ON***
- Resolution of the Township of Parsippany-Troy Hills Township Council Authorizing Certain Actions by the Online Purchasing Agent for the GEA Program **ON***
- Resolution of the Township Council of the Township of Parsippany-Troy Hills Awarding Contract with Bollinger Insurance Solutions for Prescription Insurance Benefits **ON***
- Resolution of the Township Council of the Township of Parsippany-Troy Hills Supporting S-1896/A-1503 Sharing the Burden of Property Assessment Appeal Refunds **ON***
- Resolution of the Township Council of the Township Of Parsippany-Troy Hills Confirming the Appointment and Awarding a Contract for Professional Engineering Services to Hatch Mott Macdonald **ON***
- Resolution of the Township Council of the Township of Parsippany-Troy Hills Supporting Sustainable State Funding for Preservation and Stewardship of Open Space, Parks, Farmland and Historic Sites in New Jersey **ON***
- Resolution Allocating Additional Money from the Municipal Affordable Housing Trust Fund to the Rose House and New Bridge Services, Inc. for the Henry Street Project **ON***

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- Resolution of the Township Council of Parsippany-Troy Hills Awarding a Contract with Unum Life Insurance Company of America for Employee Life Insurance Benefits **ON***
- Resolution authorizing award of contract for Rehabilitation Services for Wells 20 & 21 to Layne Christensen Company for total bid price of \$56,926.00 as well as the hourly rate of \$271.85. **ON***
- Resolution rejecting bids for the FEMA House Elevation Project – Phase I Re-Bid **ON***
- Resolution rejecting bids for FEMA House Elevation Project – Phase III Re-Bid **ON***
- Resolution authorizing and approving award of contract to J.A. Alexander, Inc. for the Reconstruction of Reynolds Avenue-Phase I for total bid price of \$398,731.72 **ON***
- Resolution approving and authorizing award of contract to Yannuzzi & Sons Inc. for the FEMA Acquisition/Demolition –Phase Re-Bid for total bid price of \$87,800.00 **ON***
- Resolution: For Tonnage Grant Year 2012 **ON***

DISCUSSION:

- Ms. Lim explained that last year, funds were allocated to the Rose House for an apartment house building along with a group home. Last month the location was changed to Henry Street. The funds for the Henry for the Henry Street Project will be put into escrow with the Township Attorney and they will be disbursed to New Bridge and Rose House. A resolution of the Council may be needed to authorize an escrow agreement. Ms. Lim requested that if a resolution is required, that it be placed on the Consent Agenda for the April Regular Meeting. Township Council had no objections to this request. **ON***
- Additional Funding Request – Housing Trust Fund Project: 37 Moraine Rd: Ms. Lim explained that New Bridge and Rose House have a project on Moraine Road which is a group home where the Township has already sent money to the State from the Housing Trust Fund. \$250,000 of the \$2,000,000 would be used in addition to the \$250,000 matched from HMFA for a group home. Rose House and New Bridge are requesting an additional \$52,000 from the Township Affordable Housing Trust Fund to cover some extraordinary items including re-doing the roof and siding on the residence, a generator, and an office so they can properly maintain confidential records. Ms. Lim asked that a resolution authorizing the additional funds be placed on the Consent Agenda of the April Regular Meeting. The Township Council had no objections to this request. **ON***

TOWNSHIP OFFICE REPORTS

Resolution(s):

- No Agenda Item.

Engineering Report of April 2013

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**

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**

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**

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CHIEF FINANCIAL OFFICER

Resolution:

- Ms. Lim stated that the 2013 Municipal Budget will be introduced at the next meeting.

ATTORNEY

Resolution(s):

- No Agenda Item.

TOWNSHIP OFFICES / COMMITTEES

- Council President asked that anyone from the public interested in serving on either the Housing Committee or Economic Advisory Committee should submit their resumes to the Township Clerk so they can be appointed at the April Regular Meeting.

COMMUNICATIONS

Correspondence:

None

APPLICATION(S)

- Resolution approving Place-to-Place Transfer (Expansion of Premise) of Plenary Retail Consumption License –Holiday Inn **ON***

***Consent Agenda Items**

PUBLIC HEARING

Motion to open the public hearing by Mr. Ferrara Seconded by Mr. Carifi.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

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

- Pat Petaccia, 182 Hawkins Ave: began questioning the Mayor regarding a meeting which took place on January 13, 2013. Mr. Inglesino advised Ms. Petaccia that her line of

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questioning constitutes harassment since a response was already given. A discussion between Ms. Petaccia and Mr. Inglesino ensued.

- Roy Messmer, 10 Drummlin Dr: asked if the public may be present at the meeting of professionals regarding the Waterview project. Mr. Inglesino responded that the public is not invited to this meeting since Mr. Simon (attorney for the citizens action group) requested a meeting of professional.
Mr. Messmer asked if anyone has received political contributions or has a relationship with the developer. The Mayor and Council responded that they did not. Mr. Inglesino advised that he is familiar with the attorney for the developer and has been in past cases on the opposing side.
- Silvia Schuman, 18 Ferndale Dr: spoke in support of the Citizens group opposed to the Waterview property rezoning; asked the Council to listen to the residents of the Towns and not to the developers; and asked for clarification for what Liaison Committees are. Mayor Barberio explained the difference between a Liaison Committee and a Liaison to a Community. He used examples of the Liaison to the Indian-American Community and the Liaison Committee for Veterans Affairs.
Mr. Carifi stated that is opposed to the re-zoning of the Waterview Property.
Mr. Nelson explained that it is not the responsibility of the Council to tell private entities where to locate their business. He also stated that he is not working for developers.
- Curtis Hardenberg, 83 Red Gate Rd: Stated his opposition to the re-zoning of the Waterview property and asked the Council Members to check for empty buildings and develop those areas. He also stated his belief that the Council has made up their minds to vote in favor of the re-zoning.
Mr. Nelson assured him that the Council is looking at the information presented before making a decision.
Mr. Inglesino explained the zoning laws and the concept of inherently beneficial use doctrine for societal good. He also explained that the contract purchaser has standing to request a zoning change and it is simplistic to state that if the ordinance is zoned one way then it has to be done that way.
Mr. Hardenberg asked if there is a 200 foot buffer encumbered in the deed restriction.
Mr. Inglesino responded that he has not heard of any such restriction and further explained that buffering is established by ordinance and is permitted to be changed.
Mr. dePierro explained that the current zoning for office has a 200 foot buffer in the ordinance. That requirement is to create a buffer between commercial and residential property. In this case, if the overlay zone is approved, the property abutting the residential area would be residential as well, which is why the buffer area was lowered.
- Samuel Paff: 203 Flemington Dr: introduced himself as the President of the Blue Collars. Mr. Paff stated that they are unhappy to be without a contract for two and a half years. They are upset that they cannot receive an average \$800 annual raise per employee. He explained that they deserved raises because they have put in extra hours away from their families during the recent major storms.

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Mayor Barberio responded that he cannot comment since the matter is in contract negotiation. He stated his wish that he could comment and respond back to Mr. Paff.

Motion to close the public hearing by Mr. Ferrara Seconded by Mr. Carifi.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

Motion To Adjourn Meeting By Mr. Carifi Seconded By Mr. Nelson.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

MEETING ADJOURNED: 8:22pm

Respectfully submitted,

Yancy Wazirmas, Township Clerk

Brian Stanton, Council President

Minutes approved: