

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

July 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: Mayor James R. Barberio; 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 July 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 June 21, 2013 where it has remained posted since that date. A legal notice appeared in the Daily Record on June 26, 2013 and was forwarded by fax to the Star Ledger, Parsippany Life and local radio stations on June 21, 2013.

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

- 2013:18** An Ordinance Amending Ordinance No. 2012:09 Adopted February 14, 2012 in Order to Provide a Change Authorized by Such Ordinance Due to a Transposition of Utility Titles – **ON**

- 2013:19** An Ordinance of the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey, Amending Ordinance 2012:29 Entitled 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 – **ON**

- 2013:20** Ordinance of the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey, Providing for Retirement Payouts and Authorizing a Special Emergency Appropriation of \$1,181,397 Therefor – **ON**

- 2013:21** An Ordinance Amending and Supplementing Chapter 169 Fire Prevention, by the Addition of a New Section 169-19.4 Identifying Emblems and Light Weight Construction, of the Revised General Ordinances of the Township of Parsippany-Troy Hills (**To be Rescinded by Resolution.**)

- 2013:22** An Ordinance Amending and Supplementing Chapter 430, Zoning, of the Revised General Ordinances of the Township of Parsippany-Troy Hills, Adding a New Article XLIV Establishing a New PRD-3 Planned Residential Development and Open Space District and Designating Certain Zone Boundaries in the Township – **ON**

Status of Adopted Ordinances:

<u>Ordinance Title and Number</u>	<u>Adopted Date</u>	<u>Mayoral Action</u>	<u>Effective Date</u>
Calendar Year 2013: Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A: 4-45.14) (2013:10)	6/18/2013	6/19/2013	7/9/2013
An Ordinance of the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey, Providing for Various Water Utility Improvements for the Township of Parsippany-Troy Hills and Appropriating \$1,600,000 Therefor, and Providing for the Issuance of \$950,000 in General Improvement Bonds or Notes of the Township of Parsippany-Troy Hills to Finance the Same (2013:11)	6/18/2013	6/19/2013	7/14/2013

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<p>An Ordinance of the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey, Providing for Golf Course and Recreation Utility Improvements for the Township of Parsippany-Troy Hills and Appropriating \$250,000 Therefor, and Providing for the Issuance of \$237,500 in General Improvement Bonds or Notes of the Township of Parsippany-Troy Hills to Finance the Same (2013:12)</p>	<p>6/18/2013</p>	<p>6/19/2013</p>	<p>7/14/2013</p>
<p>An Ordinance of the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey, Providing for Various Sewer Utility Improvements for the Township of Parsippany-Troy Hills and Appropriating \$4,400,000 Therefor, and Providing for the Issuance of \$3,325,000 in General Improvement Bonds or Notes of the Township of Parsippany-Troy Hills to Finance the Same (2013:13)</p>	<p>FAILED (6/18/2013)</p>		
<p>An Ordinance of the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey, Providing for Various Capital Improvements for the Township of Parsippany-Troy Hills and Appropriating \$11,733,700 Therefor, and Providing for the Issuance of \$9,624,500 in General Improvement Bonds or Notes of the Township of Parsippany-Troy Hills to Finance the Same (2013:14)</p>	<p>6/18/2013</p>	<p>6/19/2013</p>	<p>7/14/2013</p>
<p>An Ordinance Amending Chapter 405, <u>Vehicles And Traffic</u>, Section 14, <u>Parking Prohibited at All Times on Certain Streets</u>, of the Code of the Township of Parsippany-Troy Hills, Morris County, New Jersey (2013:15)</p>	<p>6/18/2013</p>	<p>6/19/2013</p>	<p>7/9/2013</p>
<p>An Ordinance of the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey, Establishing White Collar Salary Ranges for 2013 (2013:16)</p>	<p>6/18/2013</p>	<p>6/19/2013</p>	<p>7/9/2013</p>

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An Ordinance of the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey, Establishing Hourly Wage Ranges for Blue Collar Employees of the Township of Parsippany – (2011-2014) (2013:17)	6/18/2013	6/19/2013	7/9/2013
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DISCUSSION/REMINDERS:

Scheduled Meetings

- 7/16/13 @ 7:30 p.m. Regular Meeting (PHHS)
Public Invited – Public Participation
- 8/6/13 @ 7:30 p.m. Agenda Meeting (Town Hall)
Public Invited – Public Participation
Note: Meeting was moved from 8/13/13

Minutes for Approval:

None

ADMINISTRATION

Bid(s)

Taken:

- 6/27/2013 @ 10:00am Pump Replacement at the Mt. Tabor Pump Station **NOTED**
- 6/27/2013 @ 11:00am Municipal Building Electrical Service Entrance Upgrade Project **NOTED**

To Be Taken:

- 7/11/2013 @ 11:00am One (1) New 20-Yard Trash Compactor for the Knoll West **NOTED**
- 7/24/2013 @ 11:00am Design and Purchase of Electrical Consumption Optimizing Equipment for the Township of Parsippany-Troy Hills Wastewater Treatment Plant **NOTED**

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

Received:

None

Requested:

None

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ORDINANCE(S):

- An Ordinance of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, Authorizing the Establishment of a Government Energy Aggregation Program **INTRODUCTION - ON**
- An Ordinance of the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey, Providing for Various Sewer Utility Improvements for the Township of Parsippany-Troy Hills and Appropriating \$4,400,000 Therefor, and Providing for the Issuance of \$3,325,000 in General Improvement Bonds or Notes of the Township of Parsippany-Troy Hills to Finance the Same **INTRODUCTION - ON**
- An Ordinance Amending And Supplementing Chapter 430, Zoning, Of The Revised General Ordinances Of The Township Of Parsippany-Troy Hills, Adding A New Article XLIX, Establishing A RCR-Planned Retail/Commercial/Residential Overlay District And Designating Certain Zone Boundaries In The Township **INTRODUCTION - ON**

RESOLUTION(S):

- Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing Change Order #1 for Hector Road and Puddingstone Water Storage Tank Rehabilitation **ON***
- Resolution of the Township Council of the Township of Parsippany-Troy Hills Awarding a Contract for Professional Design Services Related to Elevation of Residential Homes in a Flood Plain to Tokarski & Millemann Architects, LLC **ON***
- Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Award of a Contract for Professional Services for Special Legal Counsel to Blake S. Davis, Esq. of the firm Waters, McPherson, McNeill, PC **ON***
- Resolution of the Township Council of the Township of Parsippany-Troy Hills awarding contract to Municipal Maintenance Company for Pump Replacement at the Mount Tabor Pump Station for a total bid price of \$53,900.00 **ON***
- Resolution of the Township Council of the Township of Parsippany-Troy Hills awarding contract to Power with Prestige, Inc. for Municipal Building Electrical Service Entrance Upgrade Project for a total bid price of \$71,440.00 **ON***
- Resolution of the Township Council of the Township of Parsippany-Troy Hills rescinding Ordinance 2012:21 **ON***

Discussion:

- An Ordinance if the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey Authorizing the Acquisition of a Portion Land Known as 360 Troy road (Block 730, Lot 3) Pursuant to the Local Land and Buildings Law (**No Discussion took place**)

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- An Ordinance of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey Authorizing the Acquisition of Real Property Known as Block 315, Lot 12 Pursuant to the Local Land and Buildings Law (**No Discussion took place**)

TOWNSHIP OFFICE REPORTS

Resolution(s):

- Resolution authorizing a Major Soil Moving Permit Extension to K & K Developers/Fox Run – Block 98 Lots 22 & 23 **ON***

Engineering Report of July 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**

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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**

Major Soil Moving Permit Extension – K & K Developers, Block 98 Lots 22 & 23

The Planning Board granted a one year extension to the Major Soil Moving Permit until August 18, 2014. **This office has no objection to the extension and recommends the Township Council extend the Permit and Agreement until August 18, 2014 by resolution.**

CHIEF FINANCIAL OFFICER

Resolution:

- Resolution of the Township Council for a Pedestrian Grant for State Fiscal Year 2014 for the sum of \$10,000 **ON***
- Resolution of the Township Council for the Alcohol Education Rehabilitation Enforcement Grant for the sum of \$2,638.73 **ON***

TOWNSHIP OFFICES / COMMITTEES

- No Agenda Items

COMMUNICATIONS

Correspondence:

- None

APPLICATION(S)

- Resolution Approving Fireworks Display for Mt. Tabor Children’s Day Celebration 2013 **ON***
- Place-to-Place Transfer (Expansion of Premises) Shop Rite, License # 1429-44-010-008, 808 Route 46, Parsippany, NJ **ON***

***Consent Agenda Items**

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MAYOR

Mayor Barberio stated he met with the Police Chief and would like to make the following recommendation: Hire three Police Officers at Level 1 and two at higher levels. They are trying to hire five total officers as was approved in the budget. He is currently seeking the council's "blessing." Ms. Lim clarified that during the budget meetings, they had discussed hiring five officers at the probationary level. They now have the opportunity to hire someone from another town. They also understand that the Sheriff's Office may be letting some people go and they would like to be able to hire a Sheriff's Officer.

Mr. Stanton asked them to define what they meant by higher step. Ms. Lim responded that it can be Level 3, 4, or 5 depending on the officer.

Mr. Nelson asked how many officers will be leaving by the end of the year. Mayor Barberio responded they don't know the exact number, but they believe at least five.

Mr. Stanton recommended that they bring a Step Guide for further discussion at the next meeting and asked that this discussion be tabled for now.

Motion to Table until next week by Mr. Stanton seconded by Mr. Carifi.

ROLL CALL:

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

ATTORNEY

Mr. Inglesino reported on the following two items:

- Hotel Occupancy Tax for Boarding Homes: Mr. Inglesino thanked Mr. Messmer for bringing this matter to their attention. Mr. Inglesino explained that under applicable State law, NJSA 40:48-F3 permits municipalities to tax hotels a 3% tax on the room. Boarding homes are included within the definition of hotels under the State law provided the stay is under 90 days. If the stay in a boarding home is over 90 days then the home would not be eligible to be taxed. The Township enacted a hotel tax in August 2003. The process for collecting the tax begins with the Township sending a list of all the hotels to the NJ Division of Taxation annually. The NJ Division of Taxation expects each establishment to file monthly tax returns and remit payment to them. This works similar to sales tax and is self-reporting. The Treasury Department then sends a check for the 3% tax to the Township on a quarterly basis. If the tax is not paid, the Township can place a lien on the property, but the without the power to foreclose.

The issue now is how can the Township include boarding homes as part of this effort to collect tax on hotel rooms. Challenges in implementing this program include identifying boarding homes, accounting for them, registering them, and then including them in the list of hotels that is sent to the State. The other challenge is how to enforce the payment and collection of the tax. An option for consideration is to amend the ordinance which requires rental registration to include boarding homes. They are also seeking ways to strengthen the ordinance to better encourage registration by assessing penalties. The last challenge is to identify the current number of boarding homes in the Township and to determine if pursuing this program would be cost effective. At this point, they need

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further policy guidance from the Council before they would propose doing anything further.

Mr. Stanton asked if a list of current registered boarding homes could be provided to the Council. Mr. Inglesino responded that if any are registered it would be very few since there is not current requirement that they register with the Township. The issue is how to identify boarding homes where residents stay less than 90 days. Citizen participation in helping to identify these properties will be essential to this effort.

Mr. dePierro requested that a list of boarding homes be provided to the Council before any amendments are made to the ordinance. He asked that administration look into this and come up with an estimate. Ms. Lim responded that they will try and get an estimate but it will be based primarily on complaints they have received in the past.

Mr. Nelson asked that if they are a registered boarding house now, are they required to get an inspection every time they become vacant. Mr. Inglesino responded that the ordinance only includes rental properties and not boarding homes.

- Baldwin Manor Case:

Mr. Inglesino gave a summary of the case against the Township which was recently dismissed. The case involved Baldwin Manor suing the Township for \$231,000 which they claimed the Township owed them for garbage collection. If the Township had lost the case, there would have been a potential liability of \$3 million. The Township won on summary judgment with all counts except one dismissed with prejudice. Baldwin Manor has filed a motion for reconsideration.

PUBLIC HEARING

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

ROLL CALL:

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

***Council President Stanton notes a five-minute time limit per speaker.**

- Roy Messmer, 10 Drumlin Dr: explained to the Council that he is in the process of gathering addresses of boarding homes. A discussion took place about the location of the boarding homes in residential zones and whether it is legal for them to be there.
- Pat Petaccia, 182 Hawkins Ave: asked the Council to investigate the mischief and vandalism which occurred at the Knoll County Club at a Fire District No. 1 event on June 22nd which involved a township employee. Ms. Cozzarelli responded that there was an event on June 22nd at the Country Club sponsored by Fire District 1. Apparently, some golf carts, which are locked in, were taken out and returned. There was no property damage, no injuries, and no forced entries. It was deemed not necessary to file a police report since there was nothing to report. They have now taken the necessary steps to contact a lock company to ensure the carts are locked.
- David Kaplan, 263 Intervale Rd: asked if the Waterview overlay will be on the agenda next week and if the ordinance has been written. Mr. Inglesino responded that it will be

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on next week's agenda and that the ordinance is 98% written. He anticipates the ordinance will be available to the public at the next meeting. He also explained the process for amending and adopting a zoning ordinance. There has been an interactive process occurring with the attorneys and planners.

Mr. Kaplan asked if their (the Citizen's group) attorney, Mr. Simon, will receive a copy of the final ordinance once it is written. Mr. Inglesino responded in the affirmative.

- Ron Owens, 154 Intervale Rd, Mountain Lakes: thanked those that came and listened to them. He takes exception that the members of their citizen's group are being portrayed as a bunch of fanatics.

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

ROLL CALL:

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

CLOSED SESSION

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: Attorney/Client Privilege and Contract Negotiations for a Shared Service Contract with the Board of Education and for an Extraordinary Unspecifiable Agreement.

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.

Motion To Adjourn Into Closed Session by Mr. Stanton Seconded By Mr. Ferrara.

ROLL CALL:

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

Motion To Reconvene Into Open Session by Mr. Ferrara Seconded By Mr. Carifi

ROLL CALL:

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

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Motion To Adjourn The Meeting By Mr. Carifi Seconded By Mr. Ferrara.

ROLL CALL:

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

MEETING ADJOURNED: 8:46pm

Respectfully submitted,

Yancy Wazirmas, Township Clerk

Brian Stanton, Council President

Minutes approved: 12/17/13