

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

August 6, 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; 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 August 20, 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 July 22, 2013 where it has remained posted since that date. A legal notice appeared in the Daily Record on July 22, 2013 and was forwarded by fax to the Star Ledger, Parsippany Life and local radio stations on July 29, 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.

RESOLUTION

R2013-165: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS RATIFYING THE REVISION OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS' SCHEDULE OF TOWNSHIP COUNCIL MEETINGS FOR 2013

Motion To Approve the Resolution Above by Mr. dePierro Seconded By Mr. Carifi.

WHEREAS, at the Township Council Regular Meeting on November 27, 2012, the Township Council adopted a Resolution Authorizing the Township of Parsippany-Troy Hills' Schedule of Township Council Meetings for 2013 (the "Scheduling Resolution"); and

WHEREAS, pursuant to the Scheduling Resolution, the Township Council scheduled the Regular Township Council Meeting at 7:30 p.m. at the Municipal Building, 1001 Parsippany Boulevard, Parsippany on Tuesday, August 20, 2013 and

WHEREAS, the Township Council, by Resolution R2013-149, adopted at the Regular Meeting on June 18, 2013, revised the Agenda Meeting at 7:30 p.m. at the Municipal Building, 1001 Parsippany Boulevard, Parsippany on Tuesday August 13, 2013 to August 6, 2013; and

WHEREAS, pursuant to the Scheduling Resolution and the Open Public Meeting Act, N.J.S.A. 10:4-6 et seq., the public is invited to attend all Regular Township Council Meetings and Agenda Meetings; and

WHEREAS, in anticipation of the number of public attendees at the Regular Township Council Meeting on Tuesday, August 20, 2013, and at the Agenda Meeting on Tuesday August 6, 2013, will be in excess of the permitted capacity of the Municipal Building, thereby presenting a risk to the health, safety and welfare of the public, the Township Council, at the Regular Meeting held on July 16, 2013, by verbal resolution authorized the change in locations that can safely accommodate the number of anticipated public attendees at said meetings;

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Parsippany-Troy Hills, County of Morris and State of New Jersey as follows:

(1) That the aforesaid recitals are hereby ratified, adopted and incorporated herein as if repeated in full; and

(2) That the Resolution Authorizing the Township of Parsippany-Troy Hills Schedule of Township Council Meetings for 2013 be and hereby is revised as follows:

- Regular Township Council Meeting scheduled for August 20, 2013 at 7:30 p.m. shall be held at Parsippany Hills High School, 20 Rita Drive, Morris Plains, New Jersey;
- Agenda Meetings scheduled for August 6, 2013 at 7:30 p.m. shall be held at Parsippany Hills High School, 20 Rita Drive, Morris Plains, New Jersey;

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(3) That the Township Clerk is hereby authorized to take the necessary steps to comply with the Open Public Meeting Act notice requirements.

ROLL CALL:

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

PRESENTATION

Gabel Associates: Community Energy Aggregation Program (CEAP)

A PowerPoint presentation was given by Mr. Robert Chilton of Gabel Associates to explain the process. The program is implemented under a law called the Government Energy Aggregation Law, which was passed by the New Jersey Legislature about 10 years ago. Rules under which the program is run have been adopted by the Board of Public Utilities (BPU). The BPU oversees all the energy and utility matters in the State. Under the State rules, the first step for the Township is to adopt an ordinance to establish a CEAP. The ordinance has been introduced by the Township Council and not yet adopted. Draft specifications and the draft contract for the supplier will then be submitted to the NJ Division of Rate Council and the BPU for review. After the ordinance is adopted, the Township will release a Request for Proposal (RFP) under the Local Public Contracts Law inviting all NJ licensed third party power suppliers that are in the marketplace. The program will be for residents who are not currently served by a third party supplier. If a resident already has a third party power supplier contract that they have gotten on their own, they will not be forced to enter into the CEAP and can keep their existing contract. The RFP may also include a request to serve small businesses who may decide to opt-into the program if they don't already have a third party supplier contract. The Township and its consultants will analyze the bids after they have been received to determine the most beneficial bid to award, if any. The Township will only award a contract if the bid price is below the current price charged by JCP&L. The delivery will continue to be done by JCP&L which means that they will continue to maintain that poles, wires, etc. and fix any damage that may occur to them. By common sense and by law, if none of the bids produce any savings, the Township will not and cannot award a contract. Assuming there is a good bid and an award of contract, the next step will be for the Township residents to receive from the supplier a Notification Letter whose form of letter is in a format already approved by the BPU. The letter will provide information about the program, the specifics of the contract including the price, term of the contract, the estimated savings on the contract as compared to the JCP&L tariff, and information on how to opt-out of the program if they don't wish to participate for any reason. There will be a postcard with the notification letter which has the resident's information printed on it for them to sign and mail back to the supplier if they wish to opt-out. An 800 number will also be provided for those wishing to call to opt-out. Residents will have a 30 day period to decide whether to opt-out or to remain in the program. Once the 30 day period is over, the supplier will submit the accounts of the residents who chose to remain in the program to JCP&L to enroll them in the process. JCP&L will then mail a generic notification letter to those customers notifying them that there has been a submission of an enrollment request for their account. Any time after the 30-day opt-out period, residents may still opt-out without penalties or fees. The customer will continue to receive one bill for electricity from JCP&L. The only change will be the one line item on the bill where JCP&L currently has on the bill as the power supply charge which will be replaced with a power supply charge from the new supplier. One of the provisions of the RFP is that the third

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party supplier must continue to provide equal payment plans for those customers that currently have those arrangements with JCP&L. The main purpose of the program is that this gives the Township the ability to put thousands of electric accounts together to create some buying power to go out to the marketplace and purchase a bulk of power at a good price. There will be one fixed price for the term of the contract and the length of the contract will also be fixed. There will be no automatic renewal of the contract once the term is completed.

Mr. dePierro asked if would costs would be higher if the length of the contract is longer since the value of electricity cannot be predicted after a year and a half interval. Mr. Chilton responded that there are many factors that affect the power market so they typically bid multiple terms and see which price comes in the lowest. Mr. dePierro asked how long the renewal process would take and if administrative costs would be incorporated into the contract. Mr. Chilton responded that the renewal process is about 5 months long and that there is no cost to the Township since the company gets paid by the supplier. Mr. dePierro asked why JCP&L can't give a cheaper rate. Mr. Chilton responded that it is because of the way the State mandates they buy power.

Mr. Carifi asked what happens if the contract expires before they have completed the re-bidding process. Mr. Chilton responded that the customers would revert to the JCP&L tariff automatically.

Mr. Stanton asked if a resident decides to opt-out after the 30 day period, when will it go into effect. Mr. Chilton responded that it will go into effect by the next meter reading date.

Mr. Ferrara asked if the toll-free number to be made available to the residents to use to opt-out will be easy to use and if their company will be monitoring. Mr. Chilton responded that part of the vetting process is to test the toll-free number.

Mr. Nelson spoke about his reservations for the opt-out option instead of providing residents the option to opt-in and asked why is it that businesses must opt-in. Mr. Chilton responded that this program is primarily geared towards residents and the small businesses were added on. The number of small businesses that participate is relatively small because most businesses have already gone out and shopped on their own for energy suppliers.

****At this point, Mr. Stanton opened this up to the public on this topic only, providing three minutes each per speaker.**

- Sigmund Baloban, 10 Grecian St: expressed concerns about being forced into the program and wants to opt-out. Asked following: why did Mr. Chilton's firm send a letter to the BPU on 3/13/13 about having a problem with payments; who is reviewing the contracts because he likes to review his own; what the difference in rate will be if he did this as an individual as opposed to a group; he also expressed concerns that Mr. Chilton and his firm may have "connections;" what happens if the administration changes.
- Kevin Hagen, 18 Dogwood Ln: asked the following: why is municipal government involved in energy and what is the incentive and/or for the government to do this program; does this include the school buildings; how would the customer account numbers be obtained. Mr. Chilton responded that the rules and the law prevent a

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municipality from benefiting from the program and the main reason for doing this is to save people money. The customer account numbers will be provided by the utility under strict confidentiality rules provided by the BPU.

- Mary Purzycki, 273 Marcella Rd: expressed that she is upset that as a homeowner she wasn't given the opportunity to opt-in and feels that the process is intrusive.
- Pat Petaccia, 182 Hawkins Ave: also prefers this be done on an opt-in basis; asked if she would be receiving a letter to opt-out since she already has a third party provider. Mr. Chilton responded that she would not be included in the process from the beginning. She asked if any other company was spoken to besides Gabel. Ms. Lim clarified that Gabel is the Township's consultant and not a third party power supplier and they will make the final recommendation to the Township for which third party power supplier to award a contract to and at what term. Ms. Petaccia asked if the Township can do this on their own and not include the residents.
- Don Rosenthal, 18 Farmstead Dr: asked how the third party supplier will determine his budget (for an equal payment plan) when they don't know his usage. Mr. Chilton will do this the same way that JCP&L does it.
- Rich Suarez, 5 McNeil Dr: asked if JCP&L will charge them if they choose to opt back into their grid (no); who will read the meters (JCP&L); is all the energy being purchased on the spot market (no); would JCP&L's summer rate program be in effect with the third party power supplier (no, a flat price is given around the year); who were the providers to Plumsted and Toms River (JCP&L); were either of those 2 cities being serviced by a nuclear power plant (no, the nuclear power suppliers sell into the wholesale market and don't service any one particular town)
- Chirnav Master, 14 Greenbriar Rd: already has a third party supplier and is asking if he can opt-in (yes by contacting the Township with his information); likes and supports the program and asks if their rate will be cheaper than other suppliers (yes);
- Erika Rosenthal, 18 Farmstead Dr: asked if the price depends on the number of remain in the program and stated she resents the opt-out option. Mr. Chilton responded that the rate is fixed and the estimate of the number of people who want to opt-in will be factored into the price. If more people opt-out that was anticipated by the supplier, the rate they entered into contract for will remain the same.
- Jeff Morris, 15 Wood Dr: asked the following: will they be told what the new rate is before it goes into effect; will they know month by month what the savings are; expressed concerns about the supplier paying for the consultant's costs. Mr. Chilton responded that the payment structure is set up to ensure that the Township does not incur the cost of running the program. They are paid by the supplier and their fee is included in the bid document. In regards to the monthly bills, the BPU requires JCP&L print the savings on the monthly bill. In regards to knowing what the price is, the notification letter which goes out to everyone after the bid award is made will have the new rate included.
- Ray Gallup, 45 Iroquois Ave: asked if there are enough third party energy suppliers out there to get a low price once this contract expires (yes).

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- Steve Kaplan, 83 Lawrence Rd: is opposed to the program and asked the Council to not pass the ordinance. He expressed his belief that the government should not be saving him money.
- Elizabeth Moutis, 91 Wingate Rd: asked if the third party energy supplier is required to have green energy. Mr. Chilton responded that they are currently required to use 13% renewable energy. It would be within the Township's purview to require the supplier to include an extra renewable component but the cost would be at a premium.
- Judy Parry, 100 Farmingdale Dr: asked what happens if the JCP&L rate goes below the third party power supplier rate. Mr. Chilton responded that when reviewing the proposals from the suppliers they will consider the JCP&L fluctuations and will not recommend award if the rate comes close to the lower end of those fluctuations. Ms. Parry asked if the price will include sales and use tax (yes) and asked that the Township consider higher percentages of renewable energy.
- Deanna DeFrancis, 55 Marmora Rd: asked what happens if their allocated energy runs out. Mr. Chilton responded that the physical delivery of power does not change. In this type of program, there is no bandwidth provision and the supplier takes the risk on the amount of energy so that rates do not increase.
- Abe Gilman, 2 Ulysses St: asked what happens if there is a malfunction with the supplier's equipment and how would JCP&L get involved. Mr. Chilton responded that the supplier does not have any equipment. These suppliers are not power plant owners and they are not operating the distribution system. The distribution will continue to be run by JCP&L and suppliers will put together a portfolio from the wholesale market for electrical supply. Mr. Gilman asked that if he opts-out, would he be able to opt-in at a later time. Mr. Chilton responded that the supplier periodically reaches out to new customers that become available for them and reach out to them to join the program.
- Charles Smith, 18 Normandy Dr: stated that JCP&L currently offers a program where customers are charged different rates for peak and non-peak usage. He asked that with this program, would that mean that not all customers would have a better rate. Mr. Chilton responded for those customers who are in this program with JCP&L, they look at the overall average rate and they look at enough clearance between the average utility price and the bid price.
- Margaret Breen, 71 Clairview Rd: asked for clarification from the Q&A which was provided on the Township's website. On the question of how this would benefit the community, item 2 stated that this would give the community more information and control over the supply and usage of energy in their households. She is asking who is this community that is going to be making the mandates and will they be told they are using too much energy and would have to conserve. Mr. Chilton responded that that statement does not mean what she is asking and the Q&A should have been worded better. Ms. Breen stated that she does not want the government in her private life.
- Joe Calabrese, 175 Elmwood Dr: asked if JCP&L will raise the delivery charge to make up the difference from losing all the customers who will be enrolled into the program.

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Mr. Chilton responded that JCP&L no longer owns their own power plants. They go out onto the wholesale market and under BPU rules buy their power. The laws were changed so that the utilities would not have a financial disincentive to prevent people from switching. JCP&L is not concerned if they lose those customers.

- Ivette Serban, 6 Farrand Dr: asked if they can guarantee that the rate from the third party power supplier will be lower. Mr. Chilton began his response that under a 2 year contract and with a large pool of customers, but he was interrupted by Ms. Serban's concerns that her time may finish before she can ask her other questions. She then asked why the Township is paying him to make a decision when the residents can make the decision on their own, when he can't guarantee a lower rate.
- George Gootblatt, 62 Ridgewood Ave: asked why JCP&L would keep the Township on a priority list for repairs if they lose all those customers. Mr. Chilton explained that JCP&L makes their money on the delivery of power and will not lose any money if the power supplier is changed. The rate for the delivery of power is set by the BPU. Mr. Gootblatt asked why JCP&L can't get a lower rate like the third party suppliers and why the these suppliers are allowed to play by a different set of rules. Mr. Chilton explained that the way the legislature passed the laws is what gives the suppliers the ability to get the cheaper rates and prohibits JCP&L from doing the same.

Mr. Carifi asked, given the large amount of opinions expressed tonight, is it possible to have a 30 day period where the residents are given the opportunity to opt-in. Mr. Chilton responded that this method was attempted in the past and failed which makes it not feasible for this kind of program.

Mr. Stanton asked what happens when new construction or new homeowners come in. Mr. Chilton responded that new owners or tenants will be enrolled with JCP&L as new accounts and will be given the option to enroll with the program.

Mayor Barberio asked if the opt-out rule was put in place by legislation. Mr. Chilton explained that the original legislation had an opt-in program but changed it to opt-out when none of the programs were successful. The only way the law permits this program is through opt-out.

- John Lepore, 78 Moraine Rd: asked how long this program would take effect if it is implemented. Mr. Chilton responded that subject to final approval, the bid would go out in late September, the award of contract would be in mid-October, and the notification letters would then go out to the residents end of October through the end of November.

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

2013:23 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 – **ON**

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2013:24 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 – **ON**

Status of Adopted Ordinances:

<u>Ordinance Title and Number</u>	<u>Adopted Date</u>	<u>Mayoral Action</u>	<u>Effective Date</u>
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 (2013:18)	7/16/2013	7/18/2013	8/12/2013
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 (2013:19)	7/16/2013	7/18/2013	8/7/2013
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 (2013:20)	7/16/2013	7/18/2013	8/7/2013
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 (2013:21)	Rescinded by Resolution R2013-152 (7/16/2013)		

TOWNSHIP COUNCIL AGENDA MEETING AUGUST 6, 2013

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 (2013:22)	7/16/2013	7/18/2013	8/7/2013
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DISCUSSION/REMINDERS:

Scheduled Meetings

- 8/20/13 @ 7:30 p.m. Regular Meeting (PHHS)
Public Invited – Public Participation
- 9/10/13 @ 7:30 p.m. Agenda Meeting (PHHS)
Public Invited – Public Participation

Minutes for Approval:

- 2/5/2013 Agenda Meeting **ON***
- 2/5/2013 Closed Session Meeting **ON***
- 2/12/2013 Closed Session Meeting **ON***

MAYOR

- None

ADMINISTRATION

Bid(s)

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**

TOWNSHIP COUNCIL AGENDA MEETING AUGUST 6, 2013

To Be Taken:

- 7/31/2013 @ 11:00am Repainting of the Lackawanna Elevated Water Storage Tank
NOTED
- 8/7/2013 @ 10:00am One (1) New 2014 International 7400 SFA 4 x 2 Dump Truck or
Approved Equivalent for the Water Department **NOTED**
- 8/7/2013 @ 11:00am Reconstruction of Curbs and Sidewalks at Various Locations- 2013
NOTED
- 8/15/2013 @ 11:00am Three (3) New 2014 Western Star 4700 Set Back Axle Garbage
Trucks with 29 Cubic Yard Heavy Duty High Compaction Rear
Loading Leach Packer Bodies or Approved Equivalent **NOTED**

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

Received:

None

Requested:

None

Ms. Lim requested that the bids to be taken from now until August 20th be placed on the Consent Agenda if the bids come in and are compliant. Seeing no objections from the Council, Mr. Stanton agreed to have those items placed on the Consent Agenda.

ORDINANCE(S):

- 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.

Mr. Nelson requested if an appraisal has been completed for this property. Ms. Lim responded that there was no recent appraisal of this property. Mr. Nelson then asked what the purchase price is based on. He stated his understanding that Open Space Committee had recommended purchase of the several years ago but does not see it in the current list of recommended purchases. He further stated his opposition to the purchase of this property.

Mayor Barberio read the minutes from the May 12, 2011 Open Space Committee when the property and purchase price was discussed.

Mr. dePierro stated that he is currently on the Open Space Committee and has been on it for many years. He voted to purchase this property in 2011, but since 2011 there have been 2 horrific storms, 480 homes damaged with some of them still deemed uninhabitable in Lake Hiawatha, businesses in the Township are filing tax appeals because their income is down, and the garden apartments are filing tax appeals. He stated that what he considered a good idea in 2011 does not seem like a good idea to him now, therefore he does not support the purchase at this time.

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Motion by Mr. Nelson seconded by Mr. Carifi to TABLE this ordinance.

ROLL CALL:

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

- 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 **INTRODUCTION - ON**
- 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 and Establishing a New Fee in 169-18, of the Revised General Ordinances of the Township of Parsippany-Troy Hills **INTRODUCTION - ON**
- An Ordinance of the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey, Amending the Township of Parsippany-Trot Hills Code Chapter 372 Taxicabs and Limousines **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**

Discussion:

- An Ordinance of the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey, Amending the Township of Parsippany-Troy Hills Code Sections 4-34 Fees Governing Services Rendered by Off-Duty Police Officers, and 405-7 Traffic Controls for Street and Highway Construction and Maintenance Operations for Municipal Roads. Ms. Lim explained that the PBA and SOA have once again approached the Township's Administration requesting that the off-duty rates be increased. The last time they were increased was in 2006 or 2007. The PBA did survey other towns to determine what the rates were in those towns. She had provided a spreadsheet to the Council on those rates along with the backup documents from where those numbers were obtained. The PBA is requesting that the regular rate be increased from \$50.00 to \$65.00 and that in 2015 it be increased to \$75.00. They are also asking that the premium rate, which is overtime (any hours in excess of eight hours) and holidays be increased \$75.00 to \$85.00 and then to \$97.50 in 2015. They are also recommending a discounted rate for entities that contract for a minimum number of hours over a six month period. The Administration is also requesting that the admin fee be increased from \$5.00 per hour to \$10.00 per hour. In addition, there is a recommendation that the traffic control ordinance be amended to require an off-duty officer for certain types of roadwork in certain types of roads in certain circumstances.

Mr. dePierro asked why these increases aren't discussed during negotiations. Mayor Barberio responded that this is separate from their contract and is incorporated into the township code.

PBA President George Tsimpedes responded to questions from the Council about clarifications for the requested rate increases.

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The Township Council conducted a straw poll as to whether or not to place the ordinance on the agenda for the next Council Meeting for consideration for introduction.

ROLL:

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

RESOLUTION(S):

- Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Submittal of a Grant Application to the New Jersey Department of Community Affairs for Recreation Opportunities for Individuals with Disabilities **ON***
- A Resolution of the Township Council of the Township of Parsippany Troy-Hills, County of Morris, State of New Jersey, Authorizing the Execution of an Electric Distribution Aggregation Agreement **ON***
- A Resolution Authorizing a Shared Services Agreement by and Between the Township of Parsippany-Troy Hills and the Parsippany-Troy Hills Township Board of Education for a Second School Resource Officer **ON***
- Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Award of Contract to Eagle Equipment Corporation for One (1) New 20-Yard Trash Compactor for the Knoll West for Total Bid Price of \$22,250.00 **ON***
- Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Award of Contract to U.S. Tank Painting, Inc. for the Repainting of the Lackawanna Elevated Water Storage Tank for Total Base Bid Amount of \$1,269,000.00 and for Total Alternate No. 1 Bid Price of \$18,000.00 **ON***
- Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing Change Order #2 for the Upgrade of the 16 MGD Wastewater Treatment Plant **ON***

TOWNSHIP OFFICE REPORTS

Resolution(s):

- Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Addition of Bus Stops Along Route 46 **ON***

Engineering Report of August 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**

TOWNSHIP COUNCIL AGENDA MEETING AUGUST 6, 2013

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**

NJ Transit Bus Stops

NJ Transit is proposing to relocate a bus stop on westbound Route 46 from the far side of the Lackawanna Avenue intersection to the near side. This office has no objection to the proposed relocation. **The Township Council will need to adopt a resolution agreeing to the bus stop at this new location.**

Ms. Lim added that there is a request to move the bus stop on Baldwin and Route 46. The Council had no objections so a resolution will be placed on the Consent Agenda. **ON***

TOWNSHIP COUNCIL AGENDA MEETING AUGUST 6, 2013

CHIEF FINANCIAL OFFICER

Resolution:

- Resolution of the Township Council authorizing the Insertion of a Special Item of Revenue in the Current Fund Budget for 2013 for “Safe Corridors Highway Safety Grant” **ON***

ATTORNEY

- No Report

TOWNSHIP OFFICES / COMMITTEES

- No Report

COMMUNICATIONS

Correspondence:

- None

APPLICATION(S)

- Resolution Approving a New Limousine License for Sami Limo Service, LLC **ON***
- Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing a Person-To-Person and Place-to-Place Transfer of Plenary Retail Consumption License for Parsippany BWW, LLC. **ON***
- Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing a Person-To-Person Transfer of Plenary Retail Distribution License for Wine Amphorae Wines And Liquors, LLC. **ON***

***Consent Agenda Items**

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.**

TOWNSHIP COUNCIL AGENDA MEETING AUGUST 6, 2013

- Pat Farnan, 25 Lakeside Drive: sent a letter to the Mayor and Council President regarding the revitalization of Manor Lake. Specifically, he requested that the lake be dredged, the dam repaired, the removal of trees that remain from Superstorm Sandy, and if feasible a silt basin to be put in that will help maintain the lake. He is requesting that this project be approved by the Council.
- Janet Chambers, 19 Lakeside Drive: expressed her concerns that the work to be done at Manor Lake has not been done. She had reached out to the DEP to check on the status of the Township's permit for the dam repairs and was notified by them that the Township can apply for a simple permit to dredge the lake. She is asking on behalf of the residents surrounding Manor Lake that the lake be dredged now.
Ms. Lim responded that she will talk to Township Engineer Justin Lizza about dredging the lake.
- Mary Purzycki, 273 Marcella Rd: asked if the fifth ordinance listed under ordinances is the Waterview ordinance for introduction (yes) at the next meeting and if it will be advertised prior to introduction (no). She noted that the bus stop at the intersection of Baldwin Rd. and Route 46 has already been moved. She also commented that dredging a lake is not an easy project. It is a long process and the DEP rules are stringent.
- Roy Messmer, 10 Drumlin Drive: spoke about the following: boarding house occupancy ordinance; possible 30 boarding homes in the Township; repairs needed for Baldwin House; Smith Road project; request for a crackdown on canvasser permits; request for three debates to take place in Town Hall; request for a Montefusco litigation update.
Mayor Barberio addressed the repairs planned for Baldwin House. Mr. dePierro expressed concerns for allowing boarding homes in residential neighborhoods. Mr. Inglesino stated that he prepare a legal memo will be prepared to address the Constitutional issue of boarding homes in residential zones. Mr. Inglesino also responded regarding the Montefusco case.
- David Kaplan, 263 Intervale Rd: expressed concerns about the timing of the placement of the Waterview ordinance onto the agenda. He asked the Council to not rush approval of this ordinance.
- Nancy du Terte, 41 Lake Dr., Mountain Lakes: asked how the Waterview ordinance was placed on the agenda. She stated that the argument put forth by the local government is that the re-zoning of the Waterview property will increase ratables. She asked a fiscal study be done to assess the impacts.
- John Beehler, 51 Intervale Rd: thanked the Councilmen for listening to the concerns of Parsippany residents and asked that an independent financial impact and environmental study be done by the Township for the Waterview re-zoning project.
- Pat Petaccia, 182 Hawkins Ave: spoke about the following: off-duty rate increases; an article related to policy that Council Members go through the Mayor's office before they reach out to Department Heads; issue at the Knoll Country Club where a golf cart was taken and returned during a Fire District event.

TOWNSHIP COUNCIL AGENDA MEETING AUGUST 6, 2013

- Margaret Gossett, Mountain Lakes: spoke about the significant impact of big box stores on taxes and public costs related to the re-zoning of the Waterview property. Also asked for an independent fiscal impact analysis be done.
- Jackie Bay, 430 Morris Ave, Mountain Lakes: asked the Council not be “minions” of RD Realty (relating to the Waterview re-zoning property). Spoke about the process relating to the Planning Board.
- Gretchen Fry, 74 Ball Road, Mountain Lakes: requested a fiscal impact and cost benefit analysis be done for the re-zoning of the Waterview property.

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

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, Personnel Matters, Contract Negotiations and Litigation Matters.

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. Ferrara Seconded By Mr. Carifi.

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

TOWNSHIP COUNCIL AGENDA MEETING AUGUST 6, 2013

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

ROLL CALL:

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

MEETING ADJOURNED: 11:01pm

Respectfully submitted,

Yancy Wazirmas, Township Clerk

Brian Stanton, Council President

Minutes approved: 3/18/2014