

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

**September 10, 2013**

**Public Invited – Public Participation**

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

**FLAG SALUTE**

<b>Roll Call:</b>	<b>Mr. Carifi</b>	-	<b>Present</b>
	<b>Mr. dePierro</b>	-	<b>Present</b>
	<b>Mr. Ferrara</b>	-	<b>Present</b>
	<b>Mr. Nelson</b>	-	<b>Present</b>
	<b>Mr. Stanton</b>	-	<b>Present</b>

**OTHERS PRESENT:** Jasmine Lim, Business Administrator; Paula Cozzarelli, Assistant 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 September 17, 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](http://www.parsippany.net).

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**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 Potential Litigation.

**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. Carifi Seconded By Mr. Nelson.**

**ROLL CALL:**

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

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

**ROLL CALL:**

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

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**APPOINTMENTS**

**Discussion:**

**Open Space Committee**

Member -3 Year Term (12/31/15)

Member – 3 Year Term (12/31/16)

Mr. dePierro explained that the appointments on the Open Space Committee expired at the end of April. He is recommending that appointments for the vacancies be renewed, changing the term expiration to the end of December.

Motion by Mr. dePierro seconded by Mr. Carifi to re-appoint Ruth Palmieri to a three year term ending 12/31/16 and Chandu Boriyana to a two year term ending 12/31/15 pending investigation if Chandu was removed previously.

**ROLL CALL:**

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

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

**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**

**2013:25** 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 – **ON**

**2013:26** An Ordinance Amending and Supplementing Chapter 169 Fire Prevention, by the Addition of a New Section 169-19.2 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 – **ON**

**2013:27** An Ordinance of the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey, Amending the Township of Parsippany-Troy Hills Code Chapter 372 Taxicabs and Limousines – **ON**

**2013:28** 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 – **ON**

**2013:29** 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 – **ON**

**2013:30** An Ordinance of the Township Council of the Township of Parsippany-Troy Hills, Morris County, New Jersey Amending and Supplementing Chapter 430, Zoning, of the Code of Township of Parsippany-Troy Hills Establishing Prohibited Uses in Residential Districts and Establishing Violations and Penalties – **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 of the Township of Parsippany Troy-Hills, County of Morris, State of New Jersey, Authorizing the Establishment of a Government Energy Aggregation Program <b>(2013:23)</b>	<b>FAILED</b> 8/20/2013		

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**DISCUSSION/REMINDERS:**

**Scheduled Meetings**

9/17/13 @ 7:30 p.m. Regular Meeting (PHHS)  
Public Invited – Public Participation

10/1/13 @ 7:30 p.m. Agenda Meeting (Town Hall)  
Public Invited – Public Participation

**Minutes for Approval:**

4/1/2013 Special Meeting, Budget Review **ON\***

**MAYOR**

- No Report

**ADMINISTRATION**

**Bid(s)**

Taken:  
None

To Be Taken:

9/11/2013 @ 11:00am One (1) New 2014 Peterbilt Model 320 Tandem Axle Chassis  
Garbage Truck with a 40 Yard Front Loader Eject Refuse  
Collection Body or Approved Equivalent **NOTED**

9/16/2013 @ 11:00am Upgrade/Resurfacing of the 85' x 185' Asphalt In Skate Rink on  
Parsippany Boulevard for Parks and Forestry **NOTED**

9/26/2013 @ 11:00am Roof Replacement at the Child Day Care Center **NOTED**

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

Received:  
None

Requested:  
None

**ORDINANCE(S):**

- None

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**RESOLUTION(S):**

- Resolution Approving Emergency Agreement With S. Coraluzzo Co., Inc. for the Emergency Delivery of Diesel Fuel Needed for Township Vehicles and Generators During Hurricane Sandy for the Total Sum of \$21,860.97 **ON\***
- Resolution Approving Emergency Agreement with Freshwater Well and Pump Service for the Replacement of Parts and Repair of the Vertical Turbine Pump at Well 17 for the Total Sum of \$17,819.00 **ON\***
- Resolution of the Township Council of the Township of Parsippany-Troy Hills Rescinding Resolution No. R2013-176 **ON\***
- Resolution of the Township Council of the Township of Parsippany – Troy Hills Authorizing the Expenditure of Municipal Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund Monies for Baldwin House, Bowsby- Degelleke House and Littleton School House **ON\***
- Resolution of the Township Council of the Township of Parsippany-Troy Hills recognizing St. Peter the Apostle Church for their 75<sup>th</sup> Anniversary. **ON\***
- Resolution of the Township Council of the Township of Parsippany-Troy Hills Granting Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Highway Safety Fund Application 2013 Project Supporting Safe Corridors **ON\***

**Discussion:**

- **Rose House/New Bridge Affordable Housing Project on Henry Street**  
Ms. Lim explained that New Bridge and Rose House had proposed a development on Henry Street and it involved a 4-bedroom group home and a 6-unit apartment building that were connected via a breezeway. Basically, the two building would be attached. The Federal Government has since decided that they don't like to see large buildings like this and they want to see the two projects on two separate sites. This will require New Bridge to go for a subdivision. They are planning to go for that subdivision which should not require any variances. The seller wants to close on the property next week and the agreement is contingent upon the receipt of all governmental approvals. New Bridge is proposing that the Township reimburse them for the cost of the acquisition of the property and pre-development costs, which is about \$250,000 out of the \$505,000 that has already been allocated towards this project. If they receive a zoning permit for the 6-unit apartment building, which is what the \$505,000 is for, the remainder of the funds would not be released until after they have received sub-division approval and building permits for the project. If for some reason they don't receive the subdivision approval, they will proceed with the 6-unit apartment building and the \$505,000 project will be a stand-alone project rather than a project that includes the 4-unit group home. At this time, they are seeking Council concurrence with the proposal to release the funds for the acquisition costs and the pre-development funds upon issuance of a zoning permit for the 6-unit apartment building project.

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Mr. Stanton asked if there any risks involved. Ms. Lim responded there is very little risk involved. They have already conducted environmental and geo-technical assessments on the property. There is no reason why the 6-unit apartment building could not be built.

Mr. Nelson asked how large is the lot. Ms. Lim responded that it is 45,000 square feet.

Mr. Carifi asked what the “little risk” is. Ms. Lim responded that the risk is that they would not be able to build on the property but they have already conducted the necessary assessments on the property.

Motion by Mr. dePierro seconded by Mr. Carifi to approve an advancement of the funds already promised them.

**ROLL CALL:**

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

**TOWNSHIP OFFICE REPORTS**

**Resolution(s):**

- Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Addition of a Bus Stop Along Route 46 – Intersection of Lackawanna Avenue **ON\***
- Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Addition of a Bus Stop Along Route 10 at South Powder Mill Road **ON\***
- Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Submittal of a Municipal Aid Grant Application to the New Jersey Department of Transportation for the Vail Road Improvement Project **ON\***
- Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Release of the Performance Guarantee for KF Schoolhouse – Block 202 Lot 1.05 **ON\***
- Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Release of the Performance Guarantee for GlaxoSmithKline – Block 181 Lot 19 **ON\***

**Engineering Report of September 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**

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**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. **All required corrective measures have been completed. No further action is needed and this item can be removed from the agenda.**

**NJ Transit Bus Stops**

NJ Transit is proposing a bus stop on westbound Route 46 on the near side of the Lackawanna Avenue intersection. 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.**

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**NJ Transit Bus Stops**

NJ Transit is proposing a bus stop on westbound Route 10 on the near side of the South Powdermill Road intersection. 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.**

Council Members requested that the Administration get the exact location of the bus stop and if it is already in place and just requires Council concurrence. They have no objects to placing the resolution on the Consent Agenda if this bus stop is current existing one.

**Endorsement of NJDOT Grant – Vail Road**

We are in the process of preparing and submitting a grant application through the FY 2014 NJDOT Municipal Aid program. The application is for the reconstruction of Vail Road from Knoll Road to North Beverwyck Road. The project includes installing drainage and curbs as well as reconstructing the road bed. The application is due on September 20, 2013. **A Resolution endorsing the application will need to be adopted by the Township Council.**

**KF Schoolhouse, Performance Guarantee Release – Block 202 Lot 1.05**

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.**

**GlaxoSmithKline, Performance Guarantee Release – Block 181 Lot 19**

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.**

**CHIEF FINANCIAL OFFICER**

**Resolution:**

- Governing Body Certification of the Annual Audit – 2012 **ON**\*
- 2012 Annual Audit – Corrective Action Plan **ON**\*

**ATTORNEY**

- No Report

**TOWNSHIP OFFICES / COMMITTEES**

- No Report

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**COMMUNICATIONS**

**Discussion:**

- Resolution of the Township of West Milford, County of Passaic, State of New Jersey Providing a Recap of a Meeting with Primary Sponsor Senator Joseph Pennacchio Regarding Amendments to Senate Bills 2511 and 2512 **ON\***

**APPLICATION(S)**

- Resolution Approving a New Limousine License for Airlinks Limo & Taxi, 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\***

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**\*Consent Agenda Items**

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**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.**

- Pat Petaccia, 182 Hawkins Ave: read the letter from the ACLU responding to her complaint to them and asked if the Council Members were made aware of this letter. Mr. Inglesino responded by first apologizing to Ms. Petaccia for intervening and not allowing her to speak during the meeting mentioned in the letter because of what she was saying and asking. The reason he did what he did was because at that particular time the Township had just received the subpoena which happened to concern the exact same subject matter that she was addressing. In his judgment, there was a real risk that the terms of that subpoena would have been compromised and that would have been a bigger problem than the arguable curtailment of first amendment rights in this limited circumstance. He was frustrated that evening in the sense that he could not tell her why he did what he did because we were not able to disclose the existence of the subpoena. He tried to address that as soon as he could at the May 14th meeting so the she and the public would understand that his intention was not to deprive her of her first amendment rights. He understands why she was upset and believes he would have felt the same way if were in her place. In the future, when a member of the public asks questions or makes statements on a subject that may compromise the Township's position or interests in a matter, he will advise the Council to refrain from comment and if necessary request that a

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motion be made immediately to go into closed session for discussion. He recognizes now that this is how the matter should have been handled that night. He is preparing a response to the ACLU on behalf of the Council that will address those points in the letter from them.

Ms. Petaccia responded that she does not accept this explanation and is upset at the manner in which Mr. Inglesino spoke to her that evening.

Motion to close the public hearing 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: 8:31pm**

Respectfully submitted,

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Yancy Wazirmas, Township Clerk

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Brian Stanton, Council President

Minutes approved: 3/18/2014