

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

August 9, 2011

The following are the Minutes from an Agenda Meeting of Parsippany-Troy Hills Township Council which was held on August 9, 2011, in the Township Municipal Building, 1001 Parsippany Boulevard, Parsippany, N.J. Council President Fox called the Meeting to Order at 7:34 pm and led the participants in a Salute to the Flag.

The Clerk indicated technical difficulties with the electronic equipment (which took about 1 minute to correct) and called the Roll Call which indicated the following members present: Councilmen dePierro, Ferrara, and Council President Fox.

Council President Fox introduced the following as in attendance also: Jasmine Lim, Business Administrator, John Inglesino, Esq., Township Attorney and Elesha M. Johnson, Township Clerk and Mayor J. Barberio

Mr. Fox read the following statement: *the purpose of this meeting is to set the Agenda for the Regular Township Council Meeting of August 16, 2011. Formal action may or may not be taken.*

Adequate notice of this meeting has been provided in accordance with the requirements of the Open Public Meetings Law by filing the notice in the Office of the Township Clerk and by posting the meeting notice on the bulletin board at the Municipal Building on December 15, 2010 where it has remained posted since that date. A legal notice appeared in both the Daily Record and the Star Ledger and was forwarded by fax to other local newspapers and local radio stations on December 16, 2010.

Note: Council Meetings are videotaped and aired on Cablevision, Public Access Channel 21, at 2:00 p.m. on Sundays and are also available for viewing at www.parsippany.net.

PRESENTATION

Cablevision Franchise Renewal – Presentation & Public Hearing

Business Administrator Jasmine Lim introduced Mr. Gary Shaw, Director of Governmental Relations for Cablevision. Ms. Lim also stated that the application is for franchise renewal.

Mr. Shaw: Cablevision's application for franchise renewal has been completed and that this presentation was the next step in the process. Cablevision has found themselves in a more competitive environment since the last renewal 15 years ago and he did not want to waist the Council's time with a presentation of charts and numbers but wanted to allow the Council and the public to ask any and all questions or cable related needs they may have going forward. Once those questions and needs has been noted, he hopes that the

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Township will meet again to address theme and possible create a ordinance for renewal of the franchise.

Councilman dePierro: Question; We have been told that competition brings rates down, why hasn't that happened?

Mr. Shaw: Although competition may help control rates, the industry is still faced with the challenges of the economy that affects operating and programming costs. Programmers are still charging their fees and he believes that is why the public has not seen any dramatic decrease, but the FCC has not put a limit on certain areas of services (packaging) and therefore allows each company to offer different packages and services.

Councilman dePierro: I have a complaint I receive from several residents. Why is it that when TV was free we didn't have commercials? Now that we pay, we have commercials; in some cases 5 or 6 each time?

Mr. Shaw: I understand your concern and when cable first started there were no commercials. Even now there are channels that don't have commercials but they are premium channels that cost anywhere from \$12-15 per month for each channel. Another reason that certain channels did not have commercials was because those channels were independently owned. But due to television being the most widely used form or advertisement, commercials will always be a part of television programming.

Councilman dePierro: So if the advertisements are paying for the commercials, why doesn't that bring the prices down?

Mr. Shaw: It doesn't bring the prices down but it does help control the rates. You must understand that there are 2 types of commercials on television today: commercials that generating revenue directly to the programmer, i.e. CNN's commercials profits go directly to CNN because they are providing the air space and avails; which are commercials the Cablevision company makes available to local businesses that under normal circumstances could not afford the time on a national channel. These spaces are allocated at a discount cost. But the most expensive cost for the cable business itself is programming cost. Programming cost go up an average of 15% each year. It is logical that your cable bill could go up 15% each year, but it doesn't. We have been diligently trying to lock in long term carrier contracts along with long term operating costs. The company is subject to the same economic changes that are taking place such as the rise and fall of gas prices that are included in our operating costs. But it is a competitive business and customers do have choices.

Council President Fox: I have noticed that if you do not have a box, they are taking away channels, Headline News for example. Is this a way to generate revenue?

Mr. Shaw: Not so much a way to generate revenue as it is the electronic digital age we are in. If you look at any of our competitors, you will see in order for you to have their

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service, you would have to have a box on every television in your home. We still have a product that you can still receive without having a box. But the reality is that the entire world is moving to this digital world.

Ms. Lim: Cablevision has applied for a State wide franchise? And, will it affect our percentage that we receive from Cablevision

Mr. Shaw: Yes but if the Statewide Franchise is awarded, the Township would receive 4% verses 2% that would still be coming from the residents not the Cable Operators.

Mr. Inglesino: This franchise would not be exclusive to Cablevision?

Mr. Shaw: No, the Township can allow any other companies to provide services to its residents

President Fox opened the Public Hearing to any residents wishing to speak or ask questions regarding the Cablevision Franchise Renewal. No one spoke. Public Hearing was closed.

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

The Clerk stated that the following Ordinances, which have all been duly noticed and posted, are scheduled for second read and final adoption at the August 16, 2011 Regular Council Meeting.

Second Reading(s) and Public Hearing(s) – 8/9/11

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 260 Walsh Drive, Block 136, Lot 36 **(2011:16)**

Status of Adopted Ordinances:

<u>Ordinance Title and Number</u>	<u>Adopted Date</u>	<u>Mayoral Action</u>	<u>Effective Date</u>
Amending Powers and Duties of Purchasing Agent (2011:15)	7/19/11	Approved	8/21/11

DISCUSSION/REMINDERS

Council President Fox read the following for public information:

Councilman dePierro stated he noticed that this bill also struck down the Town's stacking ordinance. Mr. Inglesino verified that fact and stated it is his opinion that this bill hindered the powers of the Municipality.

ADMINISTRATION

Ms. Lim stated that under Administration there were no Bids taken or to be taken in the near future nor were there any quotation(s)/proposal(s)/qualification(s) received or requested.

Councilman Fox asked the Clerk if all resolutions and ordinances were ready for adoption and introduction and the Clerk stated yes.

Resolutions

Resolution of the Township Council of the Township of Parsippany-Troy Hills Approving Participation in Countywide Continuity of Operations (COOP) and Continuity of Government (COG) Planning Made Possible Through Homeland Security Funding to the County of Morris

Resolution of the Township Council of the Township of Parsippany-Troy Hills Granting an Extension of the Major Soil Moving Permit Granted to Fox Run Developers (a/k/a K & K Developers) Block 98, Lots 22 and 23

Resolution of the Township Council of the Township of Parsippany-Troy Hills Placing a Lien on a Particular Property for Failure to Abate a Housing Violation (32 Lake Shore Drive, Block 554, Lot 23)

Resolution of the Township Council of the Township of Parsippany-Troy Hills Placing a Lien on a Particular Property for Failure to Abate a Housing Violation (212 Atlantic Drive, Block 246, Lot 12)

Ordinance(s):

An Ordinance of the Township of Parsippany-Troy Hills, Morris County, New Jersey, to Amend and Supplement the Township Code, Chapter 329 Entitled "Sewer," Section 329-14 Entitled "Sewer Connection Fees," and Chapter 420 Entitled "Water," Section 420-13 Entitled "Water Connection Fees" for the Purpose of Establishing Fees for the Year 2011 **(2011:17)**

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: Courtyard by Marriott, 3769 Route 46, Block 136, Lot 70 **(2011:18)**

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: 5 Eastmans Road, LLC, Block 739, Lot 4 **(2011:19)**

Discussions:

Best Practices Checklist

Ms. Lim stated that the Best Practices Checklist was started by the State in 2010 and was the State's way of letting the municipality do their own report card on certain practices. Last year was a trial run and the Township did fine. A new checklist was designed and it is now required that the checklist be presented to Council and discussed at a public meeting. Ms. Lim then stated that we have again done well on the checklist, copies were provided to Council and available on the table to the public. The Township scored 80%; enough to not lose any Sate Aid.

ENGINEERING

Councilman dePierro read the Engineer's report into the record:

Clerk noted for the record that the inserts of the below projects were obtained from the actual report.

Engineering Report of: July 2011

Status of Road Resurfacing – Puddingstone Area (8/07) **No Change**

Revisions to Escrow Requirement in Connection with Residential Sidewalk/Driveway Repairs (10/07) **No Change**

Troy Brook through the Hills of Troy (11/08) - *Dr. Obropta & his staff have started construction of the improvements at our DPW facility as well as rain gardens on residential properties along the Troy Brook. **This project is complete and I request that this item be removed from the Agenda***

711 Park Road – Fairview Estates (11/08) - *I met with the residents and reviewed their concerns. We are investigating the drainage in the entire tract and will make recommendations to best address the issues. The residents are in agreement that a new drainage swale to be constructed along several properties will help alleviate the drainage issues. The contractor is willing to construct the swale. Work has started and a new inlet was installed on James Street. Construction of the swale has been completed as requested and agreed to by the residents. We have monitored the drainage improvements over the last several months and are pleased with the operation of the improvements.*

No further action by the Council is required and I request that this item be removed from the Agenda

Edgefield Drive No Parking Zone (Upper) (6/09) **No Change**

Canterbury Estates Vacation of Lots 26 and 77 in Block 98 (5/09) **No Change**

New Road Flood Mitigation (5/10) **No Change**

Train Horns at Intersections (12/10) **No Change**

Ball Terrace Emergency Culvert Replacement **New Item** - Mayor Barberio stated that this item was an emergency situation due to the covert collapsing with the recent heavy rains. Ms. Lim confirmed that no bids or proposals were needed due to it being an emergency.

CHIEF FINANCIAL OFFICER

Resolution:

Resolution of the Township of Parsippany-Troy Hills Approving Corrective Action Plan for 2010 Audit

Resolution of the Township of Parsippany-Troy Hills Authorizing Cancellations of Premiums on Tax Sale

Resolution of the Township of Parsippany- Troy Hills Authorizing Cancellations of Grant Fund Receivables and Reserve Balances

ATTORNEY

None Submitted

TOWNSHIP OFFICES / COMMITTEES

None Submitted

COMMUNICATIONS

Correspondence: - NONE

Resolution(s):

Morris County Board of Chosen Freeholders – Supporting OPRA’s Original Intent – *Clerk noted this Council has addressed this issue with a resolution of support at its April Regular meeting.*

APPLICATION(S)

None Submitted

PUBLIC HEARING

Council President Fox opened the Meeting for Public Comments.

Ellen Rubin, 40 Elliot.: Addressed Council wanting to express her appreciation for the new Senior Center. Ms. Rubin then wanted to know if there was some way the center could be compensated for allowing non-residents to participate in the various programs and functions that are offered. She also wanted to clarify that she was only speaking of the clubs, programs and functions; not the nutritional aspect.

Council President Fox **closed** the Meeting for Public Discussion.

Mr. dePierro moved the following Resolution;

RESOLUTION APPOINTING TONAE’ BETTELI AS ACTING REGISTRAR OF VITAL STATISTICS

BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris and State of New Jersey, that Tonae’ Bettelli is hereby appointed as the Acting Registrar of Vital Statistics retroactive to June 1, 2011 and effective until such time that a permanent Registrar of Vital Statistics is appointed.

BE IT FURTHER RESOLVED that a certified copy of this resolution be immediately provided to the State Department of Health & Senior Services. This Resolution shall take effect thirty days from the filing of a certified copy of this Resolution with the State Department of Health & Senior Services, unless the appointment is sooner approved in writing by the Department of Health & Senior Services.

Councilman Ferrara stated that he was not in approval of this resolution and that at a previous meeting several questions were asked by himself and Councilman Cesaro in

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reference to this appointment. He is yet to get answers to these questions If there are not any current answers to his questions, his vote will be no. He is not in favor of this appointment.

Councilman Fox noted that there was no second to this resolution therefore it was defeated.

Motion to adjourn the Meeting moved by Councilman Ferrara; Seconded by Councilman Fox:

All of Council voted to adjourn the Meeting at 8:08 pm.