

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

**March 10, 2009**

**Public Invited – Public Participation**

**MEETING CALLED TO ORDER by Council President Cesaro at 7:31 p.m.**

**FLAG SALUTE**

**Roll Call:        Mr. Barberio        -        Present  
                      Mr. dePierro        -        Absent  
                      Mr. Fox                -        Present  
                      Ms. Grossi            -        Present  
                      Mr. Cesaro            -        Present**

**OTHERS PRESENT:** J. Lim, Business Administrator; J. Verrone, Township Attorney;  
J. Silver, Township Clerk

The purpose of this meeting is to set the Agenda for the Regular Township Council Meeting of March 17, 2009

**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 2, 2008 where it has remained posted since that date. A legal notice appeared in both the Daily Record and the Star Ledger on December 9, 2008. The 2009 meeting schedule was forwarded by fax to other local newspapers and local radio stations on December 2, 2008.

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**ORDINANCES**

**Second Reading(s) and Public Hearing(s) – 2/24/09    0N**

**Amending and Supplementing Chapter 57, Personnel Policies, Article IV, Defined Contribution Retirement Program of the Code, Section 2 – Municipal Court Administrator (09:03)**

**Amending Article XV, Administration Generally, of Chapter 4, Administration of Government – Amending Fees Charged by Police for Electronic Records (09:04)**

**Amending and Supplementing Chapter 290, Parks, Recreation Areas and Public Lands, Article II, Use Regulations; Permit Requirements of the Code (09:05)**

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**Amending Chapter 315, Rental Property, of the Code (Inspection Fees) (09:06)**

**Amending and Supplementing Chapter 213, Housing and Property Maintenance, of the Code (Occupancy Limitations) (09:07)**

**Amending and Supplementing the Code to Add a New Chapter 129, Charitable Clothing Bins (09:08)**

**Refunding Bond Ordinance – General Improvement (09:09)**

**Refunding Bond Ordinance – Water Utility (09:10)**

**Refunding Bond Ordinance – Sewer Utility (09:11)**

**Refunding Bond Ordinance – Golf Course Utility (09:12)**

**Status of Adopted Ordinances:**

| <b><u>Ordinance Title and Number</u></b>   | <b><u>Adopted Date</u></b> | <b><u>Mayoral Action</u></b> | <b><u>Effective Date</u></b> |
|--|----------------------------|------------------------------|------------------------------|
| <b>Right of Way Acquisition – Vail Road Construction, Block 721, Lot 8 (09:01)</b> | <b>2/24/09</b>             | <b>Approved</b>              | <b>3/25/09</b>               |
| <b>Lease Agreement with Troy Hills Memorial Post # 10184, VFW (09:02)</b>          | <b>2/24/09</b>             | <b>Approved</b>              | <b>3/25/09</b>               |

**DISCUSSION/REMINDERS**

**Scheduled Meetings**

**3/14/09 @ 9:00 a.m.**

**2009 Budget Review  
Public Invited – Public Participation**

**3/17/09 @ 7:30 p.m.**

**Regular Meeting  
Public Invited – Public Participation**

**4/14/09 @ 7:30 p.m.**

**Agenda Meeting  
Public Invited – Public Participation**

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**Minutes for Approval:**

**Agenda Meeting of 2/10/09 ON\***

**Regular Meeting of 2/24/09 ON\***

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**Discussion:**

**Sewer Fee Tax Deduction (7/08) NEXT AGENDA**

**Status of Chief's Police Car Policy/Other Police Related Issues (7/08)** Council President Cesaro directed the Township Clerk to **remove this matter from the agenda at this time.**

**Forge Pond/Wetlands Issues (8/08)** Council President Cesaro directed the Township Clerk to **remove this matter from the agenda at this time.** Ms. Verrone will update the Council as necessary.

**Transparency in Government Act – Municipal (10/08) NEXT AGENDA**

**Economic Development Advisory Committee (12/08) NEXT AGENDA**

**Municipal Budget (1/09)** The Mayor's 2009 Budget has been received by the Council and special meetings to review the Budget have been scheduled. **REMOVED FROM AGENDA**

**Zoning Board of Adjustment Annual Report (1/09)** The Report was received by the Council. **REMOVED FROM AGENDA**

**Auto Crash Tax (1/09) NEXT AGENDA**

**Additional Discussion:**

Council President Cesaro indicated that he read in the paper, with a sad heart, about the young woman, Madeleine Loftus, who died in a recent plane crash. He suggested that the Township honor her memory by planting a tree in one of our parks. Noting that Madeleine was a Parsippany Hills High School hockey player, it was recommended that the tree be planted and a plaque in her name be posted at the Hockey Rink on Parsippany Blvd. Ms. Lim will advise Jim Walsh, Superintendent of Parks and Forestry. She will follow-up with the Council.

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**MAYOR**

**No Agenda Items**

**ADMINISTRATION**

**BID(S)**

**Taken:**

**2/5/09**

**Reconstruction of Arlington Avenue (from Fairview Place to Park Road), Prospect Avenue (from Dead End to Cottage Place), and a Portion of Fairview Place AWARD\***

**2/19/09**

**One New 2009 Roll-Off Truck and Hoist, One New 2009 International Model 7500SBA 6x4 Chassis with Leach 25 Yard Packer Body and Two New 2009 International Model 7500SBA 6x4 Chassis with Leach 29 Yard Packer Bodies AWARD\***

**2/26/09**

**Supplying Various Materials for the Municipal Utilities and Public Works AWARD\***

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**To Be Taken:**

**3/11/09 @ 11:00 a.m.**

**Transportation and Disposal of Sewage Sludge Cake**

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**QUOTATION(S)/PROPOSAL(S)/QUALIFICATION(S)**

**Received:**

**2/11/09**

**Operation of Indoor Tennis Facility and Provision of Tennis Director/Professional and Related Services at Parsippany Community Center** Ms. Lim advised that the Administration recommends the award of the contract to Racquet Sports Specialties, Inc., the current operator, who submitted a complete bid package. Ms. Lim indicated that the other RFP, with a higher proposal, did not include the Business Registration Certificate.

**RESOLUTION - ON\***

**Requested:**

**None**

**Discussion/Recommendations:**

**Shared Municipal Court – Presentation (2/09)** Linda K. Murphy, County of Morris Shared Services Coordinator, provided an overview of “Municipal Court Regionalization,” specifically reviewing the process which would assist the Township to reach a decision as to whether regionalization of the municipal court for Parsippany and other participating entities might be appropriate. She indicated that the prerequisites for getting underway on any type of shared services initiative include, (1) a serious willingness to consider the opportunity to move into a shared arrangement and (2) enough of a sense of community or relationship among the parties to enable them to work together to resolve problems and reach a mutually satisfactory resolution. After the prerequisites are in place, the next step, per Ms. Murphy, involves a feasibility study which allows the parties to determine whether the service levels and cost factors associated with moving into a regional arrangement make sense. Ms. Murphy advised that she is available to work with the parties as an advisory resource, noting that she can write grant applications, draft shared services agreements, facilitate meetings between the parties, correspond with the Assignment Judge, and provide other similar services. She explained that the Council could elect to apply for a “share grant” provided by the Department of Community Affairs for a feasibility study, noting that up to \$20,000 is available, with a 20% match, as well as for funding in an amount up to \$200,000 for implementation and transition, with no matching requirement. She reviewed the “Feasibility Process” and explained that initial decisions relative to an organizational model, an operational model and an expense sharing methodology will be required to be made. She also explained that, should the Township decide to proceed, the next steps involve the actual “Regionalization Process,” which she briefly reviewed. She pointed out the advantages of municipal court regionalization to both the “lead agency” and the “supported entities.”

Ms. Murphy addressed questions posed by members of the Council.

She advised the Council that the interested entities, Mt. Lakes, Boonton, and Boonton Township, are in the process of collecting data. Ms. Lim indicated that she plans on completing the electronic survey and submitting it to Ms. Murphy. The other municipalities, per Ms. Lim, may have already completed their surveys. There is no cost to the Township if the data collection process is handled by Ms. Murphy. Copies of the data collected will be provided to the Council.

Consensus of the Council was to move forward with a feasibility study. A motion was made by Council President Cesaro, seconded by Mr. Fox, to authorize Ms. Murphy to proceed.

**Roll Call:**    **Barberio - Yes**  
                  **dePierro - Absent**  
                  **Fox - Yes**  
                  **Grossi - Yes**  
                  **Cesaro - Yes**

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**Interfaith Council Application for 2009 County Community Development Block Grant Funds (3/09)** Ms. Lim advised that the Interfaith Council for Homeless Families submitted an application for CDBG funds to pave a parking lot at a County facility it shares with the Eric Johnson House and Hope House. Because the facility is located at Greystone Park in the Township of Parsippany-Troy Hills, the application must be discussed at a local public meeting. No funding is required from the Township. Ms. Lim indicated that the Interfaith Council would greatly appreciate the Township's endorsement of its application. **RESOLUTION - ON\***

**Ordinance(s):**

**Amending and Supplementing Chapter 150, Fertilizers, of the Code to Clarify the Chapter's Requirement that Licensees Permit the Township to Sample the Fertilizer Utilized by Commercial Fertilizer Applicators (3/09)** **INTRODUCTION - ON**

**Amending and Supplementing Chapter 385, Towing, of the Code, to Remove the Maximum Number of Permitted Towing and Provide for Separate Rotational Duty Lists for Regular and Heavy Towing (3/09)** **INTRODUCTION - ON**

**Amending Chapter 225, Land Use, Subdivisions and Site Plans, Article III, Planning Board and Article IV, Zoning Board of Adjustment of the Code to Increase Escrow Fees Under These Sections (3/09)** **INTRODUCTION - ON**

**Amending and Supplementing Chapter 405, Vehicles and Traffic, Section 405-29, Bus Stops of the Code (3/09)** **INTRODUCTION - ON**

**Amending and Supplementing Chapter 180, Retail Food Establishments of the Code – Fees for Food Vending Machines (3/09)** **INTRODUCTION - ON**

**Resolution(s):**

**Endorsing the Submission of the Recycling Tonnage Grant Application to NJDEP – Grant Year 2008 (3/09)** **ON\***

**ENGINEERING**

**Update/Recommendation(s):**

*Italicized* comments below are excerpts from a March 5, 2009 memo from Mr. Lizza, Municipal Engineer, to Ms. Lim:

**Train Horns at Intersections – “Quiet Zones” (3/06)** No change in status. **NEXT AGENDA**

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**Status of Road Resurfacing – Puddingstone Area (8/07)** No change in status. **NEXT AGENDA**

**Recommendations Relative to Mr. and Mrs. Lau’s Concerns – Escrow Requirement in Connection with Sidewalk Repair (10/07)** No change in status. **NEXT AGENDA**

**Camp Meeting Association Angle Parking Simpson Avenue (8/08)** No change in status. **NEXT AGENDA**

**Troy Brook through the Hills of Troy (11/08)** No change in status. **NEXT AGENDA**

**Feintuch Property Corner of Littleton Road/Parsippany Boulevard (11/08)** No change in status. **NEXT AGENDA**

**711 Park Road – Fairview Estates (11/08)** No change in status. **NEXT AGENDA**

**Noise Waiver – New Road Bridge Over Route 280 (3/09)** *The NJDOT is planning to rehabilitate the concrete bridge deck on New Road over Route 280 and has requested a noise ordinance waiver. The project will consist of deck patching, joint repair, header reconstruction, crack repair and corrosion protection. All work is anticipated to take place during daytime hours. The project is presently in design and the NJDOT anticipates construction to begin shortly after Memorial Day and be completed by November.* **RESOLUTION - ON\***

**Right-of-Way Dedication – Edwards Road (3/09)** *Corvelli Associates has applied to the Board of Adjustment for the final site plan approval for the property located at 887 Edwards Road (Block 767 Lot 36). A condition of the approval is the dedication to the Township of a 33 foot wide right-of-way along Edwards Road. This office has reviewed the Deed and has no objections.* **RESOLUTION - ON\***

**Release of Performance Guarantee – Barnes & Noble (Llewellyn Acquisitions, L.L.C.), Block 176, Lots 3 and 4 (3/09)** *The developer has requested a release of its performance guarantee for the Barnes and Noble site on Route 10 West. This office has conducted site inspections and verified that the work has been satisfactorily completed. Therefore, this office recommends release of the performance guarantee.* **RESOLUTION - ON\***

**CHIEF FINANCIAL OFFICER**

**Resolution(s):**

**Tax Appeal Settlement – HPT IHG Property Trust, 61 Interpace Parkway, Block 136.01, Lot 2 (3/09)** **ON\***

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**Tax Appeal Settlement – New Dunn & Bradstreet, Inc., 3 Sylvan Way, Block 202, Lot 4.2 (3/09) ON\***

**Tax Appeal Settlement – OTR-MCC, LLC, 300 Interpace & 1 Upper Pond Road, Block 136, Lot 43.4 (3/09) ON\***

**Amending the 2009 Temporary Budget (3/09) ON\***

**Transfer of Appropriation Reserves – Current Fund (3/09) ON\***

**ATTORNEY**

**Discussion:**

**Request for Extension of Developer’s Agreement - Morris Corporate V/VI Amended Preliminary and Final Site Plan (8/08)** Ms. Verrone indicated that she has nothing new to report at this time. Additional information is being requested from the Developer. **NEXT AGENDA**

**TOWNSHIP OFFICES / COMMITTEES**

**No Agenda Items**

**COMMUNICATIONS**

**Correspondence:**

**Judy Foster** – Regarding Council’s Decision Not to Support Adoptees’ Birthright Bill (Email Received 2/10/09)

**Roy Messmer** – Regarding (1) Former State Senator Martin’s Appointment to the State Commission of Investigation, (2) B. DeCroke’s Situation in Roxbury Township, (3) Opinion on 2/10/09 Library Presentation to Council, (4) Business Administrator’s Vacation, (5) Municipal Vehicle Ordinance and (6) Public Comment After Each Department Presents Its Budget (Correspondence Dated 2/11/09, 2/26/09, 3/4/09 and 3/6/09) In connection with Item #5, Council President Cesaro asked Ms. Lim if the Mayor will be placing a Township decal on his car. Ms. Lim advised that she believes that the Mayor has no intention of doing this. Council President Cesaro and Ms. Grossi advised that they will amend the ordinance to specifically include the Mayor’s vehicle. In connection with Item #6, Council President Cesaro asked how the Council feels about permitting public comment, two minutes per speaker, after each department presents its budget. The Council Members agreed.

**Lynn Jameson – Expressing Concerns Relative to JCP&L’s Power Surge on February 18, 2009** (Correspondence Received 2/25/09 to Mayor and Council) Council President Cesaro noted that he received phone calls from Ms. Jameson as well; she was very frazzled about the way she was treated and he doesn’t blame her. As far as he is concerned, our first responders and police dispatchers are “top notch.” He felt that Ms. Jameson’s biggest gripe is with JCP&L.

Ms. Grossi noted that on February 18, 2009, a surge also affected other parts of Parsippany, including her neighborhood. A “Reverse 911” was done, but not everyone in her development was called. She learned that if you don’t have a landline with Verizon, you won’t get a phone call. However, she and other individuals who have Verizon still didn’t receive calls. She felt this needs to be explored. She had questioned which parts of the Township had this problem and she felt that JCP&L’s response to her concerns was inadequate. Ms. Lim advised that a response was received today from the Township’s contact at JCP&L and forwarded to Ms. Grossi late this afternoon. Additionally, Ms. Lim indicated that her office forwarded a response from Eric Hubner (Emergency Services Coordinator) explaining how the alert process works. Ms. Lim indicated that she was advised that if someone switches to cable for phone service, eventually the phone number will be incorporated in the Reverse 911 System, but it takes six to twelve months to get into the system. This is not a Police Department issue or a County issue; it’s just a matter of how the information gets transferred to the County. Ms. Grossi noted that she has a Verizon line for years, so her particular situation still has not been addressed.

**Herbert S. Skovronek – Requesting Policy to Only Accept an Animal at the Shelter If the Surrender Fee is Paid Be Reviewed Due to Economic Crisis** (Correspondence Dated 2/23/09 to Mayor and Council)

*Unless specifically indicated above, Council Members offered no comments relative to the correspondence received.*

**Resolution(s):**

**Rockaway Township – In Support of A-3570 (Abolition of COAH)**

**Morris County Board of Chosen Freeholders – Regarding County’s Position Relative to the Water Quality Management Planning Rules**

**Denville Township – Opposing Legislation that Would Require Deferral of Half a Billion Dollars in Pension Payments**

Council President Cesaro noted that the Township has already adopted resolutions in support of A-3570 and opposing legislation that would require deferral of half a billion dollars in pension payments.

**APPLICATION(S):**

**License(s): None**

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**\*Consent Agenda**

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Prior to the public hearing, Council President Cesaro expressed his disgust with **Governor Corzine's Budget Statement** and expressed his view that the Governor is not following through on the promises he made when he ran for election. Council President Cesaro felt that Governor Corzine has an obligation to come to Parsippany, look the taxpayers in the face, and explain why he is not following through on his promises for tax relief. Council President Cesaro indicated that he will write a letter inviting the Governor to attend a Parsippany Council Meeting.

Ms. Lim advised that she contacted the Parsippany Library to find out available dates for hosting the **PSE&G (Susquehanna-Roseland) Project** meeting. The first available date is April 15, 2009. If this date is agreeable to the Council, she will confirm the availability of PSE&G. Council President Cesaro noted that two Council Members will be attending; the date was satisfactory.

**PUBLIC HEARING**

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

**Arthur Hendrickson, 65 Leamoor Drive**, noted that four to six months ago at a Council Meeting, Mr. Messmer requested specific information related to the Housing Division and the Housing Coordinator, but the information has not been received. This leads the public to believe that the Housing Coordinator has done nothing; therefore, in Mr. Hendrickson's opinion, the Council, in its review of the Budget, should reduce the salary of the Housing Coordinator to zero, or at the least, if necessary, \$1.00. Ms. Grossi advised Mr. Hendrickson that the Housing Division, in the first 10 or 12 months of operation, brought in over \$300,000 in fines. Since that time, however, she doesn't think she received an updated amount, but she knows that the Township has these types of statistics. Ms. Lim commented that monthly reports have been provided to the Council. Mr. Hendrickson made the point that the Housing Division costs a couple of hundred thousand dollars a year with direct labor, overhead, vehicles, etc. and the public, so far, has not been able to determine the cost effectiveness of that office.

Additionally, Mr. Hendrickson indicated that last Thursday night Parsippany's first responders, in mass, responded to the turnover of a tractor trailer on the ramp from 287 North to 80 Westbound. The accident was caused by negligence on the driver's part. Diesel fuel was released. Mr. Hendrickson felt, due to the negligence of the driver and the trucking company, the Township should be compensated for the efforts of the paid personnel and the use of municipally owned vehicles, etc. Council President Cesaro noted that the Council is currently

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working on “auto crash tax” legislation. Mr. Hendrickson complimented the volunteers for their efforts and suggested that they be commended for the work they do everyday.

**Roy Messmer, 10 Drumlin Drive**, commented that:

- He would appreciate the Council allowing for public comment after special presentations;
- Two Morris County municipalities have scheduled him to discuss apartment taxation issues;
- At the budget hearings last year, he questioned shared services relative to DeCotiis, noting that the Firm is also the attorney for Morristown; we could have worked together on the drafting of the occupancy ordinances and saved some money;
- His concern about over occupancy has always been the safety of our volunteer firemen, pointing out a recent news article about illegal walls being a peril in fires. There are a lot of illegal walls in this Township, especially in Lake Parsippany and Lake Hiawatha;
- He would appreciate the elected officials making copies of their election campaign fund filings available to the public at Council Meetings;
- The DeCotiis’ 1099 for this year was \$1,000 more or less than last year, noting that it is funny to him how the amount is always approximately \$600,000. The same thing held true when Henry Luther was the Township Attorney for 11 years;
- DeCotiis’ retainer in the amount of \$25,000 should be reduced as the number of meetings has been reduced;
- It was reported in today’s paper that the Morris County JIF paid one million dollars in connection with the harassment lawsuit case involving the former Morristown Mayor. He questioned why the Morris County JIF didn’t offer classes on “harassment.”

**Pat Petaccia, 182 Hawkins Avenue**, noted that the road project on Hawkins and Condit is underway; it is going well.

**Jiwat Gianchandani, 101-7 North Beverwyck Road**, advised that he parked on Chesapeake Avenue because parking is a big problem in the apartment complex in which he lives. He received a parking ticket, but noted that there were no signs indicating that parking is prohibited. He suggested that signs be posted. Council President Cesaro suggested that Mr. Gianchandani take pictures of the street to show the Prosecutor that there is no signage. In response to a Council inquiry, he explained that there are not enough spaces in the complex and that there are two to three families living in an apartment.

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**Stephen J. Roman, 4 Spencer Court**, indicated that he is present this evening because he listened this afternoon to the Governor increase his taxes by 20%. He had planned to ask the Council to do something so that the Governor knows that people like him, who are on fixed incomes and can barely make ends meet, are just sick and tired of having him and his cronies in Trenton and in Washington dump a 20% tax increase on them in spite of the campaign promises he made. He thanked Council President Cesaro for indicating that he will invite the Governor to a Council Meeting to face the taxpayers of Parsippany.

**Seeing no one else come forward to speak, Council President Cesaro closed the public portion of the meeting.**

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**MOTION TO ADJOURN: Ms. Grossi**

**SECONDED BY: Mr. Barberio**

|                   |                     |          |               |
|-------------------|---------------------|----------|---------------|
| <b>Roll Call:</b> | <b>Mr. Barberio</b> | <b>-</b> | <b>Yes</b>    |
|                   | <b>Mr. dePierro</b> | <b>-</b> | <b>Absent</b> |
|                   | <b>Mr. Fox</b>      | <b>-</b> | <b>Yes</b>    |
|                   | <b>Ms. Grossi</b>   | <b>-</b> | <b>Yes</b>    |
|                   | <b>Mr. Cesaro</b>   | <b>-</b> | <b>Yes</b>    |

**MEETING ADJOURNED: 8:55 p.m.**

**Minutes Approved April 28, 2009**