

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

April 6, 2010

Public Invited – Public Participation

MEETING CALLED TO ORDER by Council Vice-President Fox at 7:32 p.m.

FLAG SALUTE

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

OTHERS PRESENT: J. Lim, Business Administrator; J. Inglesino, Esq., Township Attorney; J. Silver, Township Clerk

The purpose of this meeting is to set the Agenda for the Regular Township Council Meeting of April 13, 2010.

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 8, 2009 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 17, 2009.

Closed Session Regarding Litigation (8:17 p.m. – 8:33 p.m.) – Resolution attached.

ORDINANCES

Second Reading(s) and Public Hearing(s) – 4/13/10 ON

Authorizing a Lease Agreement with Puddingstone Recreation Organization for Recreational Use (2010:06)

Vacating the Tulip Lane Right of Way (2010:07)

Amending Section 65-1, Municipal Government Transparency Committee, of the Code (2010:08)

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Status of Adopted Ordinances:

<u>Ordinance Title and Number</u>	<u>Adopted Date</u>	<u>Mayoral Action</u>	<u>Effective Date</u>
Public Contracting Reform (2010:02)	3/16/2010	Approved	4/13/2010
Fees for Services Rendered by Off-Duty Officers (2010:03)	3/16/2010	Approved	4/13/2010
Water Rate Increase (2010:04)	3/16/2010	Approved	4/13/2010
Fire Zones - Various Locations (2010:05)	3/16/2010	Approved	4/13/2010

DISCUSSION/REMINDERS

Scheduled Meetings

4/13/10 @ 7:30 p.m.

Regular Meeting

Public Invited – Public Participation

5/11/10 @ 7:30 p.m.

Agenda Meeting

Public Invited – Public Participation

Minutes for Approval:

Agenda Meeting of 3/9/10 (Absent-dePierro) ON

Regular Meeting of 3/16/10 ON*

Closed Session of 3/16/10 (Approval Only, Disclosure Upon Authorization of Township Attorney) ON*

Appointments:

Economic Development Advisory Committee

Member – 2 Year (First) Term (12/31/11)

Member – 2 Year (First) Term (12/31/11)

Member – 2 Year (First) Term (12/31/11)

Member – 3 Year (First) Term (12/31/12)

Member – 3 Year (First) Term (12/31/12)

Member – 3 Year (First) Term (12/31/12)

Municipal Government Transparency Committee

Member – 1 Year (First) Term (12/31/10)

Member – 1 Year (First) Term (12/31/10)

Member – 2 Year (First) Term (12/31/11)

Member – 3 Year (First) Term (12/31/12)

Member – 3 Year (First) Term (12/31/12)

Consideration of the above listed appointments was tabled until the **NEXT AGENDA**.

MAYOR

Mayor Barberio presented copies of the 2010 Budget to the Council and read portions of his April 6, 2010 Interoffice Memo. A copy of this Memo is attached.

ADMINISTRATION

BID(S)

Taken:

3/17/10 Fertilizers, Pesticides, Plant Materials and Related Products NEXT AGENDA

3/18/10 Various Sidewalks Improvement Project AWARD*

4/1/10 HVAC Chiller Replacement at Town Hall NEXT AGENDA

To Be Taken:

4/16/10 @ 10:00 a.m. South Beverwyck No. 1 Pump Station Replacement

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

Received:

5/28/09 Proposals for the Redesign, Permitting, Construction, Operation and Maintenance Services for Sludge Incinerators and Design, Permitting, Construction, Operation and Maintenance Services for a New Sludge Cake Receiving Facility at the Wastewater Treatment Facility Mr. Inglesino advised that contract points are still under discussion. NEXT AGENDA

3/25/10 Risk Management Consultant/Liability Insurance Broker of Record Services NEXT AGENDA

Requested:
None

Resolution(s):

Approving Length of Service Award Program Certification Lists for 2009 (4/10) ON*

Renewing Contract with BeneCard to Provide Prescription Coverage Commencing May 1, 2010 (4/10) Mr. dePierro commented that, in his opinion, prescription drug contracts should be for more than one year, noting that changing prescription plans every year is a hassle for employees. He strongly objected to one year contracts for this coverage. Ms. Lim explained that the counterproposal just received from BeneCard is slightly below the GS POPS rate; the Administration is, therefore, recommending that the Township renew its contract with BeneCard. Mr. dePierro stated that he would like to see multiple year contracts in the future. Ms. Lim explained that the rates for multiyear contracts would be higher.

Ryan Graham (Fairview Insurance Agency Associates, Inc.) and Aida Visakay (AxisPointe, Inc.), the Township's Health Insurance Brokers, reviewed the process used to request proposals for prescription coverage. Ms. Visakay explained that what constitutes a rate is claims; she has not seen in this industry since the late 1980s a two-year contract in medical or prescription coverage. ON*

Adopting the CDBG Citizen Participation Plan (4/10) ON*

Authorizing Submittal of the Application for Community Development Funding (Consolidated Action Plan) (4/10) ON*

Ordinance(s):

Amending and Supplementing Various Code Sections Dealing with Fees (4/10) Ms. Lim explained that most of the fees are increases. The only decreases are related to OPRA copying costs. INTRODUCTION - ON

ENGINEERING

Update/Recommendation(s):

Italicized comments below are excerpts from an April 1, 2010 memo from Mr. Lizza, Municipal Engineer, to Ms. Lim:

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

Revisions to Escrow Requirement in Connection with Residential Sidewalk/Driveway Repairs (10/07) No change in status. NEXT AGENDA

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

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

Edgefield Drive No Parking Zone (Upper) (6/09) No change in status. NEXT AGENDA

Canterbury Estates Vacation of Lots 26 and 77 in Block 98 (5/09) *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. We have recently received revised metes and bounds descriptions from the applicant's attorney and are in the process of reviewing them. Once acceptable, we will forward them to the Township Attorney and recommend drafting an Ordinance to be adopted by the Township Council.* **NEXT AGENDA**

CHIEF FINANCIAL OFFICER

Resolution(s):

Canceling Outstanding Checks Totaling \$166.00 in the Municipal Court General Account to Fund Balance in the Current Fund (4/10) ON*

Canceling Outstanding Checks Totaling \$799.00 in the Municipal Court Bail Account to Fund Balance in the Current Fund (4/10) ON*

Authorizing Settlements of Tax Appeals for (1) Acquiport of Parsippany, LLC, 389-399 Interpace Parkway, Block 136, Lot 36.05; (2) I-85 Hospitality Group, LLC, 707 Route 46, Block 722, Lot 11; and (3) HSBC Technology & Services, Inc., 399 Jefferson Road, Block 736, Lot 14 (4/10) ON*

Providing for the Issuance of Refunding Bonds for the Refunding of a Portion of the Township's General Improvement Bonds, Water Utility Bonds and Sewer Utility Bonds, Dated October 1, 2002; and Providing for the Forms, Maturities and Other Details of Said Bonds; Authorizing a Preliminary Official Statement and an Official Statement; Providing for the Sale of the Refunding Bonds; and Approving and Authorizing the Execution and Delivery by the Township of a Continuing Disclosure Certificate, a Bond Purchase Agreement and an Escrow Deposit Agreement (4/10) ON*

ATTORNEY

Discussion:

Request of R. Garofalo, Esq., Representing Powder Mill Heights, Regarding Refuse Collection (11/09) NEXT AGENDA

Petitioning the Governor to Make All Pay to Play Legislation Applied Universally, State-Wide (4/10) A draft resolution has been forwarded to Mayor Barberio for review. NEXT AGENDA

TOWNSHIP OFFICES / COMMITTEES

No Agenda Items

COMMUNICATIONS

Correspondence:

Maurice Soussa – Concerning Flooding on New Road Near its Intersection with Route 46 (3/17/10 Letter to Mayor and Council) Ms. Lim stated that the Municipal Engineer has reviewed Mr. Soussa’s correspondence and advised her that the cost estimate to raise the road high enough to stop the flooding is in the \$200,000 to \$250,000 range. Mr. dePierro indicated that, years ago, he questioned why the road could not be raised by about one foot and was told by the former Municipal Engineer that the DEP would not permit this because “it is part of the wetlands flow.” Ms. Lim indicated that the Township would have to apply for a permit to fill the floodplain and purchase fill credits, which is part of the cost. Vice-President Fox commented that the cost of having police officers on duty 24/7 is also substantial. He felt that something should be done to address this problem and asked if the Municipal Engineer could follow-up. The matter will be listed on the Engineer’s portion of the Agenda.

Resolution(s):

Rockaway Township – Opposing the Adoption of P.L. 2008, C.118 and Its Application Statewide (County Take Over of Municipal Tax Assessment and Valuation Duties)

Hanover Township – Urging the Enactment of Legislation to Reform the Police and Fire Fighters Binding Arbitration Process

Montville Township – Urging Conditional Veto of S-82 (“Time of Decision” Rule) Mayor Barberio advised that he will be writing to the Governor asking him to veto the legislation.

APPLICATION(S):

License(s):

Renewal of 2010 Limousine License for VIP All State Service, Inc., 181 New Road, Suite 201 (1 Vehicle) ON*

ADDITIONAL MATTERS DISCUSSED:

Council Vice-President Fox asked Mayor Barberio if the Township has heard anything from the Department of Community Affairs (DCA) relative to the Police Department Study. Mayor Barberio advised that the new Commissioner of the DCA indicated to him that the Township will receive the Study by the end of this week.

With regard to our Police Department, Council Vice-President Fox indicated that he received a copy of a letter dated March 30, 2010 sent to Chief Peckerman from Sgt. Christiano, which refers to an attached letter dated March 11, 2002 from the New York City Police Department commending a number of our officers for their assistance after 911. He read portions of the letter for the benefit of the public and listed the names of those officers who were cited for their volunteer efforts. Mr. dePierro felt it would be appropriate for the Township to formally recognize these officers. Mayor Barberio indicated that he would take care of this.

PUBLIC HEARING

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

Maurice Soussa (President, Crossroads Office Plaza) indicated that he has seen flooding on New Road in past years, but nothing like this year. It is a constant problem. The last storm closed New Road and traffic could not access it from Route 46. Fortunately, per Mr. Soussa, there is a simple solution – just fill the low spot near the intersection with Route 46. He estimated that it would probably take about 20 cubic yards of blacktop at a cost of no more than \$1,000 a cubic yard. He knows that a permit from DEP is required and fill must be replaced. There is a company in Fairfield that will sell fill. He doesn't think it would cost more than \$5,000 or \$10,000. He asked that, at this time, the Township at least apply for a DEP permit, noting that it is time consuming, but could be accomplished. He requested that the Township take this problem seriously so that the public doesn't have to be inconvenienced. Mr. Soussa explained that, fortunately, his building is built one foot above the 100 year storm; he is not really affected, except for access to and from the property. He urged the Township to take action to correct this flooding problem.

David J. Heintjes, Esq., with offices at 181 New Road, advised that it is a hardship to rent space in Mr. Soussa's building on New Road, pointing out that he was unable to operate out of his office for four days due to the flood conditions. He noted that the building at 181 New Road generates \$80,000 annually in tax dollars and the commercial space on New Road generates a

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great deal of revenue for the Township. He understands that the recent storm was particularly difficult, but Mr. Soussa has a plan to address the problem at a cost less than the money generated by the businesses along the roadway. It is a disservice to let businesses flounder when the roads in the area flood. Mr. Heintjes commented that he doesn't see any harm in putting an RFP out in order to ascertain the costs involved to fix the problem.

Vice-President Fox advised Mr. Heintjes that the matter has been referred to the Municipal Engineer. He further noted that our Engineering Department came up with different numbers than Mr. Soussa. Mayor Barberio advised that he will speak with the Municipal Engineer about putting out an RFP.

Pat Petaccia, 182 Hawkins Avenue, asked if there will be a salary freeze this year. Ms. Lim advised that White Collar salaries are frozen. She further noted that White Collar employees will actually see a decrease in their salaries when the legislation providing for 1.5% of salary to be applied toward health benefits becomes effective. Regarding the Mayor's plan to charge residents for the cost of leaf bags, Ms. Petaccia questioned if the size of the bags will be changed. Ms. Lim advised that the size has not changed; a bundle of 50 bags will cost \$15.00. Relative to the water rate increase, Ms. Petaccia complained that a rate increase has happened twice in the last three or four years. She pointed out the Mr. Cesaro and Ms. Grossi were supposed to be getting information over the years to address this. Mr. Cesaro answered, "absolutely," noting that the last time rates were raised, he asked the Administration to let the Council know what it could do to assist.

Seeing no one else come forward to speak, Council Vice-President Fox closed the public portion of the meeting.

A motion was made by Mr. dePierro, seconded by Mr. Cesaro, to adopt the attached resolution to convene in closed session to discuss litigation in connection with the PSE&G Susquehanna Roseland 500-kv Transmission Line.

Upon reconvening in open session, a motion to adjourn was made by Mr. Cesaro, seconded by Mr. Stanton.

Roll Call:	Mr. Cesaro	-	Yes
	Mr. dePierro	-	Yes
	Mr. Fox	-	Yes
	Mr. Stanton	-	Yes
	Ms. Grossi	-	Absent

MEETING ADJOURNED: 8:35 p.m.

Minutes Approved May 18, 2010

**TOWNSHIP OF PARSIPPANY - TROY HILLS
INTEROFFICE MEMO**

DATE: 3/31/2010
TO: TOWNSHIP COUNCIL
FROM: MAYOR BARBERIO
RE: 2010 BUDGET

I am herein providing the Township Council with the 2010 budget. Please note especially that this is still a work-in-progress. I have asked Department and Division Heads to continue to look for additional opportunities for budget cuts and these will be presented to the Council at a later date. Additionally, revenue figures, including State Aid, continue to change.

This is an extremely difficult year in which to craft a budget. The current fund budget has increased by \$1.7 million (2.9%) and revenues have declined by \$1.6 million (8%), resulting in a tax levy increase of 8.7%. Loss in State Aid accounts for 41% of the levy increase. In other words, if State Aid remained at the same level as 2009, the levy increase would have been 5.1%. The impact on the average assessed home of the 8.7% levy increase will be \$141/year.

2009 Levy	\$ 38,814,650	
2010 Levy	\$ 42,180,825	
Levy Increase	\$ 3,366,175	=8.7% inc
2009 Budget	\$ 59,053,237	
2010 Budget	\$ 60,767,651	
Budget Increase	\$ 1,714,414	=2.9% inc
2009 Gen'l Revenues	\$ 20,238,587	
2010 Gen'l Revenues	\$ 18,586,826	
Revenue Decline	\$ (1,651,761)	=-8.0% dec
2009 Municipal Tax Rate	0.517	
2010 Municipal Tax Rate	0.563	
Municipal Tax Rate Increase	0.046	
Impact on Home Assessed at \$306,000	\$141/year	

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Significant increases to the budget are shown in the chart below. If you review the budget summary pages, you will note that almost all divisions and departments will be operating at lower levels than 2009.

Health Benefits	\$	1,088,300
Payouts	\$	317,407
Debt Service	\$	898,510
Reserve for Uncollected	\$	130,000
Police Salary Adjustments & Other Payments	\$	390,000
PERS	\$	109,774
	\$	<u>2,933,991</u>

Significant cuts in the budget include: Fall Festival, all Parks seasonals, Parks overtime, holiday garbage pickup, extended recycling depot hours, free leaf bags, replacement police officers and related costs, attendance at League of Municipalities cut for Mayor, Administrator and Bd. of Adjustment and Planning Bd. members. Personnel have been scaled back to the extent possible. We have taken advantage of certain retirements and resignations but will not be able to adopt a strict hiring freeze. We will, however, scrutinize every new hire.

General revenues (other than taxes) have declined by 8%. The reduction in State Aid far overshadows other declines. Significant declines in revenue are anticipated from the following:

Court Fees	\$	80,000
Interest	\$	110,000
Sharkey's Reserve	\$	148,506
Host Community Fees/Transfer Station	\$	450,000
State Aid	\$	1,379,421
Construction Fees	\$	175,000
Hotel Tax	\$	125,000
	\$	<u>2,467,927</u>

I have aggressively used reserves in order to reduce the levy increase. The Sharkey's reserve of \$752,430 will be depleted in 2010 and, therefore, will not be available in future years. Capital reserves which will not be available in 2011 have also been utilized. Additionally, there is a very aggressive use of surplus which is made possible by the decision to bond for tax appeals.

In proactively attacking the 2011 budget, my administration will, throughout the year, continue to look for new revenue sources and opportunities to reduce staffing and other costs. Most notably we expect that energy conservation measures implemented in 2010, utilizing the Energy Block Grant funds, will result in a reduction of energy costs. Participation in the NJSEM for aggregate purchase of natural gas and electricity should result in additional savings. We also hope to be installing at least one solar project in 2010 and more in 2011.

RE: Litigation (PSE&G Susquehanna Roseland 500-kv Transmission Line)
DATE: April 6, 2010
TIME: 8:17 p.m.

MOTION BY: Mr. dePierro
SECONDED BY: Mr. Cesaro

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:

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.

Roll Call:	Cesaro	-	Yes
	dePierro	-	Yes
	Fox	-	Yes
	Stanton	-	Yes
	Grossi	-	Absent

MOTION TO ADJOURN CLOSED SESSION BY: Council Vice-President Fox
SECONDED BY: Mr. Stanton

Roll Call:	Cesaro	-	Yes
	dePierro	-	Yes
	Fox	-	Yes
	Stanton	-	Yes
	Grossi	-	Absent

CLOSED SESSION ADJOURNED: 8:33 p.m.