

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

**May 12, 2009**

**Public Invited – Public Participation**

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

**FLAG SALUTE**

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

**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 May 19, 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.

---

**ORDINANCES**

**Second Reading(s) and Public Hearing(s) – 5/19/09    ON**

**To Acquire by Purchase the Right-of-Way Over a Portion of the Property Known as Block 79, Lot 4, St. John’s Avenue (09:19)**

**To Acquire by Purchase the Right-of-Way Over a Portion of the Property Known as Block 79, Lot 3, St. John’s Avenue (09:20)**

**2009 White Collar Salary Ordinance (09:21)**

TOWNSHIP COUNCIL AGENDA MEETING OF MAY 12, 2009

**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>Amend Fertilizer Chapter (09:13)</b>	<b>4/28/09</b>	<b>Approved</b>	<b>5/26/09</b>
<b>Amend Towing Chapter (09:14)</b>	<b>4/28/09</b>	<b>Approved</b>	<b>5/26/09</b>
<b>Planning Board and Zoning Board Escrow Fees (09:15)</b>	<b>4/28/09</b>	<b>Approved</b>	<b>5/26/09</b>
<b>Bus Stops – Jefferson and Vail Roads (09:16)</b>	<b>4/28/09</b>	<b>Approved</b>	<b>5/26/09</b>
<b>Fees – Food Vending Machines (09:17)</b>	<b>4/28/09</b>	<b>Approved</b>	<b>5/26/09</b>

**DISCUSSION/REMINDERS**

**Scheduled Meetings**

**5/19/09 @ 7:00 p.m.**

**2009 Budget Hearing/Adoption  
Public Invited – Public Participation**

**5/19/09 @ 7:30 p.m.**

**Regular Meeting  
Public Invited – Public Participation**

**6/9/09 @ 7:30 p.m.**

**Agenda Meeting  
Public Invited – Public Participation**

---

**Minutes for Approval:**

**Agenda Meeting of 4/14/09 ON\***

**Closed Session of 4/14/09 (Approval Only, Disclosure Upon Authorization of Township Attorney) ON\***

**Regular Meeting of 4/28/09 (Absent – dePierro) ON**

---

**Discussion:**

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

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

TOWNSHIP COUNCIL AGENDA MEETING OF MAY 12, 2009

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

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

---

**Resolution(s):**

**Certifying Individuals, Ambulances and Ambulance Equipment of Volunteer First Aid, Rescue and Recovery and Ambulance Squads as Being Qualified for Emergency Medical Service Programs (5/09) ON\***

**Confirming Mayoral Student Appointment to the Municipal Alliance Committee – Robert Hardwick (5/09) ON\***

**MAYOR**

**No Agenda Items**

**ADMINISTRATION**

**BID(S)**

**Taken:**

**4/30/09                      Reconstruction of Pawnee Avenue AWARD\***

---

**To Be Taken:**

**5/14/09 @ 11:00 a.m.                      Precast Concrete Building Restroom**

---

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

**Received:**

**None**

**Requested:**

**5/28/09 @ 10:00 a.m.                      Proposals for Operation of Catering and Banquet Facilities and Provision of Related Services at Knoll Country Club**

**5/28/09 @ 11:00 a.m.      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**

---

**Discussion/Recommendations:**

**Shared Municipal Court (2/09)** Ms. Lim reported that, at this time, the two Boontons have decided to adopt a “wait and see approach.” They are waiting to see how the Dover Super Court, which commenced in February, does financially and in terms of the integration of staff and the case load. Council President Cesaro agreed that the kinks need to be worked out; it may take six months or more to ascertain the success of Dover’s shared court. Ms. Grossi agreed. Ms. Lim advised that Mountain Lakes is still very interested in moving forward; the Borough is in private talks with other courts. The Township Clerk was directed to remove this item from the agenda at this time.

**Ordinance(s):**

**Amending and Supplementing Chapter 4, Administration of Government, Section 4-47.1, Third-Party Payment Plan for Emergency Medical Services Provided by the Non-Volunteer Par-Troy EMS Squad (5/09)      INTRODUCTION - ON**

**Resolution(s):**

**Authorizing Application for 2009 Edward Byrne JAG Grant (5/09)** A motion was made by Council President Cesaro, seconded by Mr. dePierro, to adopt the following resolution:

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING A MEMORANDUM OF AGREEMENT BETWEEN THE TOWNSHIP OF PARSIPPANY-TROY HILLS, THE TOWN OF DOVER, THE TOWN OF MORRISTOWN, THE TOWNSHIP OF JEFFERSON, THE TOWNSHIP OF MORRIS AND THE TOWNSHIP OF ROXBURY FOR THE 2009 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD**

**WHEREAS**, federal stimulus funds are available under the 2009 Byrne Justice Assistance Grant (JAG) Program for several towns in Morris County; and

**WHEREAS**, the JAG Program requires that a single application be submitted for all eligible municipal grantees in Morris County; and

**WHEREAS**, one public entity must be designated as the lead agency for purposes of submitting the grant application and for administering the grant program; and

**WHEREAS**, it is proposed that the Township of Parsippany - Troy Hills receive \$30,108 under this grant program, including \$6,000 to serve as lead agency.

TOWNSHIP COUNCIL AGENDA MEETING OF MAY 12, 2009

**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. The Township Council supports and authorizes the submittal of the application for the 2009 Byrne Justice Assistance Grant (JAG) Program on behalf of the Township and other Morris County municipalities eligible for funds under the program.
2. The Chief of Police and Township Attorney are hereby authorized to execute the Memorandum of Agreement with the Town of Dover, Town of Morristown, Township of Jefferson, Township of Morris and the Township of Roxbury.
3. The appropriate officials are authorized to take whatever other steps necessary to complete the grant application and meet other grant requirements including the receipt of grant funds and distribution of funds to the participating municipalities and the submittal of required reports.
4. This resolution shall take effect immediately.

**Roll Call:**

<b>Barberio</b>	-	<b>Yes</b>
<b>dePierro</b>	-	<b>Yes</b>
<b>Fox</b>	-	<b>Absent</b>
<b>Grossi</b>	-	<b>Yes</b>
<b>Cesaro</b>	-	<b>Yes</b>

**Resolution adopted.**

**Supporting Participation in the Sustainable Jersey Municipal Government Certification Program (5/09) RESOLUTION - ON\***

**Authorizing the Acceptance of Keller and Kirkpatrick's Qualification Statement, and Qualifying the Firm to Provide Engineering Services to the Township (5/09) RESOLUTION - ON\***

**ENGINEERING**

**Update/Recommendation(s):**

*Italicized* comments below are excerpts from memos dated May 7, 2009 and May 8, 2009 from Mr. Lizza, Municipal Engineer, to Ms. Lim:

**Train Horns at Intersections – “Quiet Zones” (3/06)** *New notices of the Township's proposal for a quiet zone at the grade crossing on Powder Mill Road have been sent out. Due to the large number of attendees, scheduling has been tentatively set for the beginning of May.*

**NEXT AGENDA**

**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**

**Canterbury Estates Lot Vacation (5/09)** *It has been determined that portions of the pavement and utilities encroach onto the properties known as Lots 3 and 4 in Block 79. I have reviewed the request for the acquisition of additional right of way in this area to place this infrastructure in the public right of way and have no objection. This matter should be discussed with the Township Council and, if appropriate, an ordinance should be adopted accepting the right of way on the referenced lots. Additional information is to be provided by Ms. Lim.* **NEXT AGENDA**

**NJ Transit Bus Stop on Route 46 (5/09)** *NJ Transit is proposing three bus stops on Route 46. Two stops are on the westbound side in front of the BP Gas Station and the Park and Ride lot. The third is on the eastbound side in front of the Holiday Inn. It is my recommendation that the Township adopt an ordinance designating these as official bus stops. Ms. Lim explained that, as the result of a pedestrian fatality in December 2008, NJDOT recommended the designation of official bus stops. Ms. Grossi stated that she would drive by the locations prior to the Regular Meeting. The Township Clerk noted that a resolution, not an ordinance, is required by the NJDOT.* **RESOLUTION - ON\***

**Morris County Road Opening Agreement (5/09)** *Morris County Department of Public Works would like us to renew our agreement with the County covering excavations performed by the Township of Parsippany in County roads. It is my recommendation that the Township enter into this agreement with the County. Ms. Lim is to provide the Council with additional information relative to the terms of the agreement.* **NEXT AGENDA**

**Amending Section 405-14, Parking Prohibited at All Times on Certain Streets – Edgefield Drive (5/09)** *In the fall of 2008, a No Parking area was created by ordinance (2008:27) along the north side of the lower section of Edgefield Drive. An amendment is proposed to reduce the limits of the No Parking Zone as requested by the residents and, subsequently, reviewed and agreed to by Fire Chief George Smith, Officer Pete Makowski, Skyview Heights Association President Greg Spadavecchia and the Township Engineer. Chief Smith has also requested a no parking area on an upper section of Edgefield Drive, but further review is required.*

**INTRODUCTION - ON**

TOWNSHIP COUNCIL AGENDA MEETING OF MAY 12, 2009

**Endorsement of NJDOT Grants (5/09)** *The Engineering Division is in the process of preparing and submitting grant applications through the NJDOT. The first application is a Transportation Enhancement grant for sidewalk improvements along Littleton Road to provide a safer route for walkers to get to the Parsippany Library. The second application is a Local Aid grant for road and drainage improvements on Park Road. Resolutions endorsing the applications are requested.* **RESOLUTIONS - ON\***

**Release of Performance Bond in the Amount of \$663,512.04 – 8 Sylvan Way (5/09)** As per Mr. Lizza’s March 3, 2009 interoffice memo to Ms. Lim, “This office has completed all inspections at 8 Sylvan Way and recommends the release of the Performance Bond in the amount of \$663,512.04.” **RESOLUTION - ON\***

**CHIEF FINANCIAL OFFICER**

**Bond Ordinance(s):**

**Providing for Various Capital Improvements (5/09)** **INTRODUCTION - ON**

**Providing for Various Improvements to the Water Utility (5/09)** **INTRODUCTION - ON**

**Providing for Various Improvements to the Sewer Utility (5/09)** **INTRODUCTION - ON**

**Providing for Various Improvements to the Golf and Recreational Utility (5/09)**  
**INTRODUCTION - ON**

**ATTORNEY**

**No Agenda Items.**

**TOWNSHIP OFFICES / COMMITTEES**

**Board of Adjustment - Memo of 5/5/09 Requesting \$60.00 Application Fee Be Refunded to S. Abdelhalim, 559 Littleton Road, Block 212, Lot 4** **RESOLUTION - ON\***

**COMMUNICATIONS**

**Correspondence:**

**Robert C. Garofalo, Esq. (Representing Canterbury Estates) – Relative to the Vacation of a Portion of Lot 77, Block 98, Near Arundel Road** (4/14/09 Letter to Mayor and Council)  
**NOTED** (See “Engineering” portion of agenda).

**Resolution(s):**

**Kinnelon Borough – Supporting A-3570 (Abolition of COAH) and S-2503/A-2872 (“Tree Experts and Tree Care Licensing Act”)** **NOTED**

**Rockaway Township – Supporting A-3570 (Abolition of COAH)** **NOTED**

Council President Cesaro took this opportunity to express his concern with Governor Corzine’s proposal to redirect millions from the EMT Training Fund. Members of the Council expressed their concern as well. Consensus of the Council was to consider a resolution in opposition to the Governor’s proposal. **RESOLUTION - ON\***

**APPLICATION(S):**

**License(s):**

**Liquor License Person to Person Transfer from Shivganesh Inc. to Karmanadhi Inc. t/a Basket of Cheers II** **ON\***

**Limousine Owner’s License – VIP All State Service, Inc., 181 New Road (2 Vehicles)** **ON\***

---

**\*Consent Agenda Items**

---

**PUBLIC HEARING**

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

**Lee Keimel, 342 Lake Shore Drive**, noted that he is both a resident and employee of the Township. He explained that he had a problem this past week relative to the Township’s Prescription Benefit Program administered by Benecard, noting that his wife was erroneously deleted from the Plan. The incident was stressful. The mistake was rectified as of yesterday, but he has since learned that almost 200 employees have the same problem.

Ms. Lim indicated that she was not aware that Mr. Keimel had a problem. She was aware, however, that there was an issue with dependents between the ages of 19 and 23, which has been

TOWNSHIP COUNCIL AGENDA MEETING OF MAY 12, 2009

corrected. Ms. Lim advised that the transfer of information from Bollinger to Benecard was supposed to have been an electronic transfer of files, not a manual transfer. She doesn't know why the electronic transfer did not take place. Ms. Grossi commented that, if any employee had to pay for a prescription as a result of this problem, then the cost of the prescription should be reimbursed by the responsible party, whether it is Benecard or AxisPointe.

**Arthur Hendrickson, 65 Leamoor Drive**, commented, with regard to the Joint Meeting with the Board of Education relative to the defeated school budget, that he was astounded by the arrogance of the Board Members as well as by the disrespect they showed to the public and the Township Council. He stated that he can almost guarantee that next year's budget will be defeated unless that Board makes significant cuts, especially in administration. People are not happy that the defeated budget was cut only 1%. He raised two serious questions:

- (1) How can the public force the School Board to minimize the raises they grant when the next round of negotiations come up?
- (2) What can the public do to get the School Board to reduce the administrative costs?

The Township Council, per Mr. Hendrickson, does not appear to be able to do anything, noting that the Council's suggestions appear to be "legally" ignored.

**Joe Raich, 8 Wolf Place**, expressed his view that members of the Council have been lambasting New Jersey Democrats, noting that comments have been made relative to Abbott Districts and COAH, which are matters beyond the control of this body. He suggested that, perhaps, the opposition party, which is not in control in Trenton, is to blame.

Additionally, he expressed his concern about pedestrian traffic in the community, indicating that there is no adequate protection for a pedestrian to cross major thoroughfares. He questioned whether the Township could conduct a study as to pedestrian traffic in the area of Route 46 and Beverwyck Road. He also questioned Mr. Garofalo's request, on behalf of Canterbury Estates, for a vacation of a portion of a block and lot near Arundel Road. He indicated that he would like additional information regarding this request.

Ms. Lim, relative to pedestrian traffic, advised that there is a proposal for additional sidewalks on Route 46. She felt that there is a need for both sidewalks and bikeways on Route 46.

Mr. Barberio addressed Mr. Raich's comments, pointing out that Abbott Districts and COAH are crippling us; no one is picking on a political party. When comments are made that this Council did not cut enough from the school budget, people need to understand that our hands are tied. Council President Cesaro questioned why something (such as the Abbott Districts), which takes up almost half of the 62 cents of every dollar, would not be relevant to the Township, but should only be addressed by the State Legislators, as suggested by Mr. Raich.

TOWNSHIP COUNCIL AGENDA MEETING OF MAY 12, 2009

Mr. dePierro explained that 20% of school children live in Abbott Districts; they get over 50% of the State's money. 80% of the children live in the suburbs, the non Abbott Districts; they have to fight for the other 45 to 50% of the money. This was not caused by Governor Corzine or the Democrats, but by the Courts. However, per Mr. dePierro, our Governor and State Legislators have done nothing to try to correct this.

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

---

**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>Yes</b>
	<b>Mr. Fox</b>	<b>-</b>	<b>Absent</b>
	<b>Ms. Grossi</b>	<b>-</b>	<b>Yes</b>
	<b>Mr. Cesaro</b>	<b>-</b>	<b>Yes</b>

**MEETING ADJOURNED: 8:17 p.m.**

**Minutes Approved June 16, 2009**