

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

June 9, 2009

Public Invited – Public Participation

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

FLAG SALUTE

Roll Call:	Mr. Barberio	-	Present
	Mr. dePierro	-	Present
	Mr. Fox	-	Absent
	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 June 16, 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) – 6/16/09 ON

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 (09:22)

Amending Section 405-14, Parking Prohibited at All Times on Certain Streets – Edgefield Drive (09:23)

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Bond Ordinance Providing for Various Capital Improvements (09:24)

Bond Ordinance Providing for Various Water Utility Improvements (09:25)

Bond Ordinance Providing for Various Sewer Utility Improvements (09:26)

Bond Ordinance Providing for Various Golf Course and Recreational Utility Improvements (09:27)

Bond Ordinance Providing for Wastewater Treatment Plant Improvements (09:28)

Status of Adopted Ordinances:

<u>Ordinance Title and Number</u>	<u>Adopted Date</u>	<u>Mayoral Action</u>	<u>Effective Date</u>
Establish CAP Bank (09:18)	5/12/09	Approved	6/8/09
Right-of-Way Acquisition - St. John's Avenue, Block 79, Lot 4 (09:19)	5/19/09	Approved	6/15/09
Right-of-Way Acquisition - St. John's Avenue, Block 79, Lot 3 (09:20)	5/19/09	Approved	6/15/09
2009 White Collar Salary Ordinance (09:21)	5/19/09	Approved	6/11/09

DISCUSSION/REMINDERS

Scheduled Meetings

6/16/09 @ 7:30 p.m.

**Regular Meeting
Public Invited – Public Participation**

7/7/09 @ 7:30 p.m.

**Agenda Meeting
Public Invited – Public Participation**

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Minutes for Approval:

Joint Meeting with Board of Education – 5/7/09 ON*

Special Meeting (Establish CAP Bank Ordinance) - 5/12/09 (Absent – Fox) ON

Agenda Meeting of 5/12/09 (Absent – Fox) ON

Special Meeting (2009 Budget Hearing/Adoption) - 5/19/09 (Absent – Fox) ON

Regular Meeting of 5/19/09 (Absent – Fox) ON

Discussion:

Sewer Fee Tax Deduction (7/08) NEXT AGENDA

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

Economic Development Advisory Committee (12/08) NEXT AGENDA

Auto Crash Tax (1/09) NEXT AGENDA

MAYOR

No Agenda Items

ADMINISTRATION

BID(S)

Taken:

5/14/09 Precast Concrete Building Restroom AWARD*

**6/4/09 Supervisory Control and Data Acquisition (SCADA) System
Upgrade and Entin Road Radio Link NEXT AGENDA**

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To Be Taken:

6/11/09 @ 10:00 a.m. Lease of Public Property (lease rights to install and maintain antenna on various water tanks)

6/11/09 @ 11:00 a.m. One New Adult Passenger Mini Bus with 2 Wheelchair Positions and 24 Ambulatory or 28 Ambulatory Passengers

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

Received:

5/28/09 Proposals for Operation of Catering and Banquet Facilities and Provision of Related Services at Knoll Country Club Award of RFP (Request for Proposals) for the Operation of Catering and Banquet Facilities and Provision of Related Services at the Knoll Country Club to Knoll West Country Club, LLC - **ON***

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 **NEXT AGENDA**

Requested:

None

Ordinance(s):

2009 White Collar Salary Ordinance Amendment - Assistant Water Superintendent (6/09)
Ms. Lim explained that this amendment corrects a typographical error on the original ordinance.
INTRODUCTION - ON

Resolution(s):

Authorizing the Expenditure of Open Space Trust Fund Monies for 2009 Park Improvements (6/09) **ON***

Authorizing the Expenditure of Open Space Trust Fund Monies for Construction Documents for Three (3) Projects (6/09) **ON***

Authorizing an Agreement to Join the New Jersey Sustainable Energy Joint Meeting (6/09)
ON*

Authorizing the Application for the Energy Efficiency and Conservation Block Grant Under the Provisions of the American Recovery and Reinvestment Act (6/09) ON*

Authorizing the Township to Enter Into a Cooperative Pricing Agreement with the Somerset County Cooperative Pricing System, #2-SOCCP, for the Conduct of Certain Functions Relating to the Purchase of Work, Materials and Supplies (6/09) ON*

ENGINEERING

Update/Recommendation(s):

Italicized comments below are excerpts from a June 4, 2009 memo from Mr. Lizza, Municipal Engineer, to Ms. Lim:

Train Horns at Intersections – “Quiet Zones” (3/06) *New documents for the Township’s request for a quiet zone at the grade crossing on Powder Mill Road have been sent out. NJ Transit has set a site meeting for June 17, 2009. Notices are being prepared and will be distributed by early next week. 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) *The Troy Brook Regional Stormwater Management Plan is still waiting approval from the NJDEP. We are working with Dr. Obropta and his staff for the improvements at our DPW facility as well as other areas along the Troy Brook. Dr. Obropta is in the process of preparing bid packages for some improvements at the DPW facility. NEXT AGENDA*

Feintuch Property Corner of Littleton Road/Parsippany Boulevard (11/08) *Construction plans for the first phase of the intersection improvements at the south west corner will be ready for bid shortly. The County is looking into the conceptual plans for the entire intersection improvements. NEXT AGENDA*

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

Brookstone Drive Bridge Repairs (6/09) *The RBA group is finalizing the plans for the repairs to the Brookstone Bridge. I was asked to attend a Brookstone Homeowners Association meeting on April 9th to discuss the project but had to cancel due to an unexpected family emergency. I spoke with Association Secretary Dominic Santaite that afternoon and explained*

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the project and offered to meet with the Association at some other point in the future, if requested. **NEXT AGENDA**

Sandalwood Drainage Project (6/09) *The first phase of the Sandalwood Drive drainage improvement project is in design and will divert some runoff from Sandalwood Drive and discharge it directly into the Berry's Brook. This will help the flooding on Sandalwood and address the concerns of the residents who have been flooded in the past. We will bid the project once permits are issued from the NJDEP. Council President Cesaro noted that the Council has been receiving emails from Mr. Staudinger. He understands that Mr. Lizza will be meeting with Mr. Staudinger and asked that the Council be provided with an update.* **NEXT AGENDA**

Edgefield Drive No Parking Zone (Upper) (6/09) *Fire Chief Smith requested a "no parking area" on an upper section of Edgefield Drive. This was agreed to by me, Officer Makowski and Association President Greg Spadavecchi. However, further review is required before a request for an ordinance is made.* **NEXT AGENDA**

Edgefield Drive No Parking Zone (Lower) (6/09) *The existing "no parking" signs on the lower portion of Edgefield Drive have been removed and the new signs will be installed once the ordinance is amended and adopted. (This item may be removed.) Council President Cesaro concurred and directed the Township Clerk to remove this item from the agenda.*

Canterbury Estates Vacation of Lots 26 and 77 in Block 98 (5/09) *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. (An Ordinance adopted by the Township Council is required.) An ordinance will be drafted for Council's consideration at the* **NEXT AGENDA**

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.* **RESOLUTION - ON***

CHIEF FINANCIAL OFFICER

No Agenda Items

ATTORNEY

Ordinance:

Amending Chapter 83, Alcoholic Beverages, by Deleting Section 83-8, Pursuant to the Directive of the Administrative Office of the Courts (6/09) Ms. Verrone requested that the introduction of this ordinance be tabled as she is still looking into the request of the Court Administrator. She understands that there is an AOC opinion that deals with this issue, but she has not seen it yet. She will need to do some additional research. **NEXT AGENDA**

TOWNSHIP OFFICES / COMMITTEES

Board of Adjustment - Memo of 5/19/09 Requesting \$60.00 Application Fee Be Refunded to Mr. and Mrs. M. Cirillo, 3 Dale Road, Block 98, Lot 41 **RESOLUTION - ON***

COMMUNICATIONS

Correspondence:

Peggy Tarantino, Managing Agent for Brookstone/Parsippany HOA – Regarding Repairs on Brookstone Drive (6/1/09) See comments under “Engineering.”

Weiner Lesniak LLP (Representing Parsippany Campus Realty Associates, L.L.C., Block 202, Lots 1.13 and 1.14 (Formerly Block 202, Lot 7.01), 14 and 22 Sylvan Way) – Request for Extension of Developer’s Agreement (6/3/09) Ms. Lim stated that it is her understanding that the Planning Board has not yet reviewed the request. In the meantime, she will refer the request to the Municipal Engineer for review and recommendation. The matter will be listed for follow-up on the “Engineering” agenda. **NEXT AGENDA**

Resolution(s):

Hanover Township – Opposing Efforts by Governor Corzine to Redirect Money From EMT Training Fund Into the State’s General Treasury

Chatham Township - Opposing Efforts by Governor Corzine to Redirect Money From EMT Training Fund Into the State’s General Treasury and Supporting A-3570 Proposing the Abolition of COAH

Chester Township Supporting A-3570 Proposing the Abolition of COAH

(Note: The Township previously adopted similar resolutions)

APPLICATION(S):

License(s):

Liquor License Person to Person and Place to Place Transfer from Michelle H. Chow, Chapter 7 Trustee of Steak and Ale of New Jersey, Inc. to InterPark Liquor License, LLC, 1735 U.S. Route 46 A motion was made by Mr. Barberio, seconded by Mr. dePierro, to adopt the following resolution:

WHEREAS, an application has been filed for a **person to person and place to place transfer of Plenary Retail Consumption License No. 1429-33-005-005** heretofore issued to Michelle H. Chow, Chapter 7 Trustee of Steak and Ale of New Jersey, Inc. (pocket license) with a mailing address of 5401 North Central Expy., Ste. 218, Dallas, Texas 75205; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Parsippany-Troy Hills does hereby approve, **effective June 9, 2009**, the person to person and place to place transfer of the aforesaid Plenary Retail Consumption License (pocket) to InterPark Liquor License, LLC for premises located at 1735 U.S. Route 46, Parsippany-Troy Hills Township, New Jersey and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: **“This license, subject to all its terms and conditions, is hereby transferred to InterPark Liquor License, LLC for premises located at 1735 U.S. Route 46 effective June 9, 2009.”**

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

Resolution Adopted.

Liquor License Renewals for the 7/1/09 – 6/30/10 Licensing Year A motion was made by Mr. dePierro, seconded by Council President Cesaro, to adopt the attached resolution.

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

Resolution Adopted.

Shelter/Pet Shop License Renewals for the 7/01/09 – 6/30/10 Licensing Term ON*

Fireworks Display – Township of Parsippany-Troy Hills – July 4, 2009 (Rain Date - July 5, 2009) ON*

Limousine Owner's License – Reliable Car & Limousine Service Corp., 2001 Route 46 East, Suite 310 (1 Vehicle) ON*

ADDITIONAL MATTER:

Mr. Barberio indicated his confusion relative to the **Bond Ordinance introduced on May 19, 2009 appropriating \$33,200,000 for various improvements to the Wastewater Treatment Plant**, noting that the Council was quoted \$20 million. He questioned the increase. Ms. Lim explained that the \$33 million is the number the Administration has at this time, the amount projected as a result of the Phase II Study. She indicated, however, that the Administration thinks that the cost will probably come in closer to \$25 million. The \$33 million includes a great number of contingencies in addition to the soft costs, approximately \$2 million in engineering fees, which she doesn't think were previously included in the \$20 million figure. Ms. Grossi requested an itemized list of the costs. Ms. Lim will provide this information to the Council. Ms. Lim reminded the Council that the amount of money appropriated by a bond ordinance is the maximum amount authorized. The Administration, per Ms. Lim, expects to bid out the project before taking out the loan. The Township hopes to receive additional stimulus money, which could range from \$600,000 to \$5 million, via a grant. The remaining funds will be 75% at zero percent and 25% at the Trust Triple AAA Rating. Ms. Lim advised that the effective rate on any loan would be approximately 1%. The savings to the Township is tremendous. She explained that the savings are still there in terms of the payback. She noted that there is no doubt that these improvements are necessary. Mr. dePierro commented that another reason for the increase is because Mr. Bober (Acting Sewer Superintendent) is pushing the consultants for the latest state of the art technology. When our Sewer Treatment Plant was built 38 years ago, the technology was already seven years old and almost obsolete at the time of installation. Mr. Bober is not accepting the current technology, which is already starting to age, but is looking for the newer technology, which costs more.

***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.

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Pat Petaccia, 182 Hawkins Avenue, questioned the status of the videotaping of Council Meetings. She asked for an opportunity for her and Mr. Hendrickson to meet with Ms. Lim. In connection with the upgrade to the Sewer Treatment Plant, she questioned if the bond ordinance includes solar panels. Ms. Lim advised that it does not. Relative to the previous 52% increase in the sewer rate, she asked how the increase has been utilized. Ms. Lim advised that, while the Administration is not going to make any promises, she does know that Mr. Bober has indicated that, at some point, if a lot of the various projects move ahead, we may be able to lower the sewer rate. Ms. Grossi reviewed her understanding of what the increase was to be used for. Ms. Petaccia advised Ms. Lim that she noticed a Township employee, who drives senior citizens, sitting outside of Pathmark with the engine running. Ms. Lim asked for a description of the vehicle. Lastly, with regard to the Board of Education's Budget, Ms. Petaccia expressed her view that the budget is "padded" and the Board has no consideration for the residents; we allow the Board to continue to operate in this fashion. She felt that the Council should have taken a much bigger stand relative to the budget.

Jerry Manning, Rainbow Lakes, felt that the Board of Education "hoodwinked" the Township Council at the Joint Meeting. He recommended that a representative of the Council attend every contract negotiation meeting to make sure the Board is not "pulling any more of these mystery deals in the middle of the night." Ms. Grossi explained that the Council is not allowed to sit in on the Board's negotiations because negotiations are private. Mr. Manning questioned what makes the negotiations private when public money is being spent. Ms. Grossi reiterated that the negotiations themselves, pursuant to the PERC laws, are private. She expressed her view, however, that this is a great idea, if it were possible. Mr. Manning requested that, the next time a school budget is defeated, the Council stand firm and not authorize the money. Additionally, regarding the request for a Quiet Zone, he recommended once again that the matter be tabled, pointing out that we don't have the money to build a Quiet Zone because someone bought a house next to a railroad tract and then found out that trains actually run on the track.

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

MOTION TO ADJOURN: Mr. Barberio

SECONDED BY: Ms. Grossi

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

MEETING ADJOURNED: 8:08 p.m.

RESOLUTION

WHEREAS, applications for renewal for licensing term, July 1, 2009 through June 30, 2010, have been filed by the following Retail Liquor Licensees, and

WHEREAS, the application forms are complete in all respects and the applicants are qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the following Retail Liquor Licenses be renewed for the licensing term, July 1, 2009 through June 30, 2010:

- 1429-31-035-001 American Legion Parsippanong Post #249, trading as American Legion Parsippanong Post 249, for premises located at 91 No. Beverwyck Road, Lake Hiawatha, NJ
- 1429-31-037-001 Parsippany-Troy Hills BPO Elks Lodge #2078, trading as Parsippany Troy Hills Elks, for premises located at 230 Parsippany Road, Parsippany, NJ
- 1429-31-040-001 Lake Hiawatha Volunteer Fire Association Inc., trading as Lake Hiawatha Volunteer Fire Association, for premises located at North Beverwyck Road and Lake Shore Drive, Lake Hiawatha, NJ
- 1429-31-041-001 Parsippany-Troy Hills Fire Association District No. 6, trading as Club 6, for premises located at 60 Littleton Road, Parsippany, NJ
- 1429-31-042-001 Rainbow Lakes Community Club Inc Clubhouse for premises located at Rainbow Trail, Denville, NJ
- 1429-33-001-007 WYB II Liquor LLC trading as Whats Your Beef for premises located at 252 Route 46 West, Parsippany, NJ
- 1429-33-003-012 RCSH Operations, LLC trading as Ruth's Chris Steak House, for premises located at 1 Hilton Court, Parsippany, NJ
- 1429-33-004-002 Chessmen, a NJ Corporation, trading as Eccola Italian Bistro, for premises located at 1082 Route 46, Parsippany, NJ
- 1429-33-007-013 Mt Holleran Towne Tavern LLC trading as Mt Holleran Towne Tavern for premises located at 450 North Beverwyck Road, Parsippany, NJ

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- 1429-33-009-006 Hoover's Tavern, L.L.C. trading as Hoover's Tavern, for premises located at 960 Tabor Road, Morris Plains, NJ
- 1429-33-011-006 C.T.E. Enterprises Inc., a New Jersey Corporation trading as Sakura Hibachi Steak House, for premises located at 949 Route 46 East, Parsippany, NJ
- 1429-33-013-006 Apple Food Service of Parsippany, Inc., trading as Applebee's Neighborhood Grill and Bar, for premises located at 1057 Route 46, Parsippany, NJ
- 1429-33-015-004 Chevys Restaurants, LLC trading as Chevys Fresh Mex, for premises located at 1900 Route 10 West, Morris Plains, NJ
- 1429-33-016-006 Outback/Metropolis-I, Limited Partnership trading as Outback Steakhouse, for premises located at 1300 Route 46, Parsippany, NJ
- 1429-33-017-005 TGI Friday's, Inc., trading as TGI Friday's, for premises located at 3835 US Route 46, Parsippany, NJ
- 1429-33-020-006 Tabor 10 LLC trading as Tabor Road Tavern, Grato Restaurant for premises located at 510 Tabor Road and 2230 Route 10 West Morris Plains, NJ
- 1429-33-024-004 Keo Ku Jang, Inc., trading as Q Time/Keo Ku Jang Restaurant, for premises located at 245 Route 46 East, Parsippany, NJ
- 1429-33-025-005 Vega Cook Inc., trading as Fuddruckers, for premises located at 3159 Route 46 East, Parsippany, NJ
- 1429-33-026-006 Grand Fortune Corporation, trading as Jasper, for premises located at 810 Route 46 West, Parsippany, NJ
- 1429-33-028-001 Reimer Inc., trading as The Inn Crowd, for premises located at 285 Route 46, Parsippany, NJ
- 1429-33-029-005 Reservoir Tavern Inc., trading as Reservoir Tavern, for premises located at 90 Parsippany Boulevard, Boonton, NJ
- 1429-33-031-007 Brinker New Jersey Inc., trading as Chili's Southwest Grill and Bar, for premises located at 1540 Route 46, Parsippany, NJ
- 1429-33-034-006 Ozra Enterprise Inc., trading as Minado, for premises located at Powder Mill Plaza, 2888 Route 10 West, Morris Plains, NJ
- 1429-33-044-002 Empire Diner Liquors, Inc., trading as Empire Diner Liquors Inc., for premises located at 1315 Route 46, Parsippany, NJ
- 1429-36-049-004 HST Lessee CMBS LLC trading as Sheraton Parsippany Hotel, Jesters Court and Tipperary Pub, for premises located at 199 Smith Road, Parsippany, NJ

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- 1429-36-050-002 Promus Hotel Services Inc., trading as Embassy Suites Hotel/Bistecca Restaurant and Bar, for premises located at 909 Parsippany Boulevard, Parsippany, NJ
- 1429-36-051-003 I-85 Hospitality Group, LLC, trading as Holiday Inn and Suites and S. Gizas Corp d/b/a Harold's New York Deli and Restaurant, for premises located at 707 Route 46 East, Parsippany, NJ
- 1429-36-053-001 Courtyard Management Corporation trading as Courtyard by Marriott, for premises located at 3769 Route 46 East, Parsippany, NJ
- 1429-36-055-002 Sierra Hospitality Corporation, trading as Sierra Suites, for premises located at 299 Smith Road, Parsippany, NJ
- 1429-36-056-001 Crestline Hotels & Resorts, Inc., trading as Hilton Parsippany/Hampton Inn Parsippany, for premises located at 1 Hilton Court, Parsippany, NJ
- 1429-44-006-006 Convenience Liquor, Inc., trading as Convenience Liquors, for premises located at 1129 Route 46, Parsippany, NJ
- 1429-44-012-005 Shreeji and Ruchi, Inc. trading as Bottle King Discount Wines and Spirits, for premises located at 799 Route 46 East, Parsippany, NJ
- 1429-44-033-005 Vito D'Alessandro, Inc., trading as Green Hill Liquors, for premises located at 168 Parsippany Road Unit #7, Parsippany, NJ
- 1429-44-047-004 Summer C. Wine & Liquor Inc., trading as Powder Mill Plaza Liquors, for premises located at 28 Gibraltar Drive, Morris Plains, NJ