

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

September 14, 2010

Public Invited – Public Participation

MEETING CALLED TO ORDER by Council President Grossi at 7:34 p.m.

FLAG SALUTE

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

OTHERS PRESENT: Mayor Barberio; J. Lim, Business Administrator; J. Inglesino, Esq., Township Attorney (at 7:55 p.m.); J. Silver, Township Clerk

The purpose of this meeting is to set the Agenda for the Regular Township Council Meeting of September 21, 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.

ORDINANCES

Second Reading(s) and Public Hearing(s) – 9/21/10 ON

Amend Section 4-58, Public Records (2010:23)

Status of Adopted Ordinances:

<u>Ordinance Title and Number</u>	<u>Adopted Date</u>	<u>Mayoral Action</u>	<u>Effective Date</u>
Amending Taxicabs and Limousines (2010:19)	8/17/10	Approved	9/13/10
Salary Ordinance – PBA (2010:20)	8/17/10	Approved	9/13/10
Salary Ordinance – SOA (2010:21)	8/17/10	Approved	9/13/10
Hourly Wage Ranges – Blue Collar (2010:22)	8/17/10	Approved	9/13/10

DISCUSSION/REMINDERS

Scheduled Meetings

9/21/10 @ 7:30 p.m.

**Regular Meeting
Public Invited – Public Participation**

10/12/10 @ 7:30 p.m.

**Agenda Meeting
Public Invited – Public Participation**

Minutes for Approval:

Agenda Meeting of 8/10/10 (Absent – Fox) ON

Regular Meeting of 8/17/10 (Absent – Fox) ON

Closed Session of 8/17/10 (Absent – Fox) (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)

Council President Grossi advised that the ordinance establishing the Economic Development Advisory Committee is being revised. **NEXT AGENDA**

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)

NEXT AGENDA

Appeal of Denial of Tree Removal Application Pursuant to Sec. 392-6 of the Township Code – 3 Woodcrest Road (9/10)

Present to appeal the denial of a tree removal permit application by the Superintendent of the Department of Parks and Forestry: Oladeji Oluremi (homeowner) and Scott Webb (of AP Solar)

The homeowner advised the Council that on July 9, 2010 she submitted an application for the removal of trees in order to install solar panels on the roof of her home. She advised that she did not receive a denial in writing; just a verbal “no” from Mr. Walsh (Superintendent of the Department of Parks and Forestry). Ms. Oluremi explained the reason for her appeal, noting that Chapter 392, Section 4D, provides that the enforcing officer shall not grant any application except if the removal of trees is performed in a selective manner consistent with the public interest. Ms. Oluremi expressed her view that her application is in the public interest because it will enable her to install solar panels, which would not only benefit her, but other people as well because she will be generating energy that could be used on summer days when there are a lot of outages. She further quoted, from the ordinance, that “thinning of a heavily wooded area where some trees are removed and others remain may be permitted at the discretion of the enforcing officer.” She explained that taking the trees down now enables her to install the solar panels; otherwise, each year, she will have to remove the number of trees allowable without a permit until there is enough room for the installation. She noted that she signed the contract before it was discovered that trees would have to be removed. Ms. Oluremi, in response to Council President Grossi’s inquiry, advised that she needs to remove three more trees from the southwest area. She indicated that she has already taken down four trees, not all from that area.

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Mr. Fox indicated that he is reluctant to go against the decisions of Township professionals and, therefore, cannot support the removal of the trees. Council President Grossi read the following September 13, 2010 interoffice memo to the Council from Mr. Walsh regarding the tree removal application:

Oladeji Oluremi applied for a permit to remove in excess of four trees at 3 Woodcrest Road. This application was denied by the Superintendent of Parks and Forestry. The Township Code provides that the applicant may appeal this decision to the Township Council. Ms. Oluremi states that the removal of the trees is required for a solar installation on the house. As permitted by the Township Code, Ms. Oluremi has already removed four trees. However, two of these trees are not related to the solar installation.

The tree removal application for 3 Woodcrest Road was denied because too many trees need to be removed in order to accommodate the solar installation. Not all properties are suitable for solar. This property has several large trees in the rear (southern and southwest sides) of the property. The property is adjacent to elevated properties which are heavily wooded with mature trees on the south and southwestern sides of the property. The trees that were marked for removal would not provide enough clearance for the required solar window, especially in the winter time when the sun is on a lower horizontal plane, because of the height of the existing trees on the neighboring properties in this area.

Council President Grossi indicated that the Council does not have to make a decision this evening. She, personally, would like to see the property.

Mr. Scott Webb advised that he works for AP Solar, the solar installer. He stated that the trees which the homeowner wants removed are somewhat insignificant to the properties of the neighbors as well as to the homeowner. He noted that solar is booming in the state of New Jersey; it provides jobs, energy independence, and disposable income for residents. He felt that the Council should consider this issue in a broader spectrum and reevaluate the Township's "four tree" position for residents who want to install solar. The position that a homeowner is not a candidate for solar just because there are trees on the property is, in Mr. Webb's opinion, short sighted. He recommended that the Council Members view the property before making a decision.

Mayor Barberio felt that the recommendation of the Superintendent of Parks and Forestry takes into consideration that if other residents want to install solar, many trees will be cut down in the process. If an entire neighborhood installs solar, a lot of trees will be lost, which would adversely affect the environment. The Mayor expressed his view that he believes this is the concern of the Superintendent and should be taken into consideration.

The consensus of the Council was to review the matter further. Mr. Walsh was asked to attend the October 12, 2010 meeting at which time a decision will be rendered.

Resolution – Certifying That the Members of the Township Council Have Personally Reviewed and are Familiar with, as a Minimum, the Sections of the 2009 Annual Audit Regarding “Comments and Recommendations” (9/10) **ON***

Discussion – Municipal Government Transparency Committee (9/10) Mr. Cesaro noted that he provided copies of a proposed amendment to the ordinance which established the Committee. The amendment addresses the problem of finding volunteers to serve by shortening the length of terms. Hopefully, this will encourage citizens to serve. **INTRODUCTION – ON**

MAYOR

Proclamation in Recognition of Zach Forman’s Bar Mitzvah Project Benefiting the American Cancer Society – Presentation at the **September 21, 2010 Regular Meeting** (9/10)
PRESENTATION – ON

ADMINISTRATION

BID(S)

Taken:

8/24/10 Lease of Public Property (Antennae on Township Water Storage Facilities)
AWARD*

9/2/10 One (1) New 2010 Type III Emergency Medical Vehicle for EMS Ms. Lim confirmed that this ambulance will replace an older vehicle. **AWARD***

To Be Taken:

None

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 Ms. Lim advised that the contractor/vendor for the incinerator just submitted a draft contract which is being reviewed by the Township’s attorney who will make sure that the Township is protected in terms of any risks associated with the project. The

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design project is still on target with a completion date of September 26, 2011.

NEXT AGENDA

3/25/10 Risk Management Consultant/Liability Insurance Broker of Record Services Ms. Lim advised that interviews have been completed; a recommendation will be forthcoming. **NEXT AGENDA**

Requested:

None

Resolution(s):

Emergency Resolution for EJ Electric (8/10) ON*

Authorizing Professional Services Agreements for General Engineering and Real Estate Appraisal Services (9/10) ON*

Authorizing a Professional Services Contract with Samuel Klein and Company for Auditing Services for the Year 2010 (9/10) ON*

Authorizing Field Maintenance Agreement with the Board of Education (9/10) ON*

Ordinance(s):

White Collar Salary Ordinance (8/10) NEXT AGENDA

Amending Blue Collar Salary Ordinance - Sewage Plant Repairer (9/10) INTRODUCTION - ON

Authorizing the Acquisition by Purchase of Property Identified as Block 338, Lot 2, Commonly Known as 67 Chesterfield Road, for Open Space (9/10) Ms. Lim indicated that the amount authorized will be \$241,000. **INTRODUCTION - ON**

Amending and Supplementing Chapter 357, Storm Water System, of the Code (9/10) INTRODUCTION - ON

Deleting Sections 225-15 and 225-26, Both Entitled "Recordings of Hearings," of the Code (9/10) INTRODUCTION - ON

ENGINEERING

Update/Recommendation(s):

Italicized comments below are excerpts from a September 8, 2010 memo from Mr. Lizza, Municipal Engineer, to Ms. Lim:

Status of Road Resurfacing – Puddingstone Area (8/07) *The Developer has installed a water main and sanitary sewer line on a portion of Puddingstone Road. We have been working with the developer and will make temporary improvements until the sanitary sewer line is turned over to the Township. A meeting is being scheduled with the developer to resolve this issue.* **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) No change in status. **NEXT AGENDA**

New Road Flood Mitigation (5/10) No change in status. **NEXT AGENDA**

Multi-Way Stop – Beachwood Road/Longport Road Intersection (9/10) *A multi-way stop is proposed at the intersection of Beachwood Road and Longport Road. A study was conducted by Gordon Meth of the RBA Group and it was determined that a multi-way stop was warranted based on data obtained. This office has no objection to a multi-way stop at this intersection. Amendments to the Chapter 405, Sections 22 and 24 are required. An ordinance has been prepared and would need to be adopted by the Council.* **INTRODUCTION - ON**

NJ Transit Bus Stops (9/10) *NJ Transit is proposing five new bus stops at the following locations:*

- *Campus Drive: westbound side across from Hilton Court*
- *Campus Drive: westbound side approximately 390' before Littleton Road*
- *North Beverwyck Road: northbound side across from Hawkins Avenue*
- *Central Avenue: eastbound side across from Collins Road*
- *Central Avenue: westbound side at Collins Road*

Both an ordinance and resolution are required. **RESOLUTION - ON*** + **ORDINANCE**
INTRODUCTION - ON

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*Additionally, for your information, NJ Transit is also proposing the relocation of the bus stop on Route 46 West from the current stop on the far side of the Baldwin Road intersection to the near side of the intersection. I have no objection to the proposed bus stop. **NOTED***

CHIEF FINANCIAL OFFICER

Resolution(s):

Approving Corrective Action Plan for 2009 Audit (9/10) Ms. Lim noted that this is a great audit with no additional findings other than the one finding which the Township will probably have every year. She commented that this is the best audit we have had in many years. **ON***

ATTORNEY

Discussion:

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

Ordinance(s):

Amending the Municipal Vehicles and Traffic Ordinance – Regulation for the Movement and the Parking of Traffic on Private Property – Hunting Ridge Town Homes (9/10)
INTRODUCTION – ON

TOWNSHIP OFFICES / COMMITTEES

No Agenda Items

COMMUNICATIONS

Correspondence:

Toni Beyer – Concerns Regarding the Mt. Tabor Children’s Day Annual Celebration (8/31/10) Council President Grossi noted receipt of this correspondence and asked if the Administration has any recommendations to address the concerns expressed.

Resolution(s):

Lincoln Park Borough – Urging N.J. Legislature to Make Changes to OPRA

Chester Township – Urging N.J. Legislature to Make Changes to OPRA

Netcong Borough – Urging N.J. Legislature to Make Changes to OPRA

Boonton Town – Urging N.J. Legislature to Make Changes to OPRA

Council President Grossi noted that some of the recommendations are good, but she felt that the Council should take “a wait awhile and see approach.” No other comments were offered.

APPLICATION(S):

License(s):

Authorizing Special Senior Citizen Bingo License to the Lake Hiawatha Community Center Social Bingo Club (9/10) ON*

Limousine Owner’s License (New) – Patel Limousine, LLC, 239 New Road, Suite C-2 (1 Vehicle) ON*

ADDITIONAL MATTER DISCUSSED:

Council Vice-President Fox took this opportunity to ask whether utility companies or the Township could notify affected homeowners prior to flags being posted on lawns (marking cable, etc.) to inform residents of the reasons for the flags and how long they will need to remain in place. He indicated that some other towns have ordinances that provide that utility companies notify homeowners. He would like Parsippany to adopt a similar type of ordinance. Ms. Lim will look into what ordinances exist that address Mr. Fox’s concerns.

***Consent Agenda Items**

PUBLIC HEARING

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

Robert Simpson, 30 Hilsinger Road, provided a copy of a Star Ledger article regarding the installation of four grade crossings in Hillsborough. That municipality, per Mr. Simpson, spent \$325,000 and received \$250,000 from the developer to establish a “quiet zone.” Mr. Simpson indicated that it may not cost Parsippany that much money, but this is something we should do. He indicated that some of the neighbors are anxiously waiting for some peace, quiet and tranquility.

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Mayor Barberio reported that Mr. Dickenson (Regional Manager with the Federal Railroad Administration) called Mr. Lizza (Municipal Engineer) yesterday. A meeting will be scheduled; Mr. Simpson will be invited to attend.

Pat Petaccia, 182 Hawkins Avenue, indicated that, in the summer, the owner of the Vuolo Building removes the gates which are supposed to prevent traffic from entering Summit Street. Additionally, Ms. Petaccia asked for clarification of the proposed resolution authorizing a field maintenance agreement with the Board of Education. Ms. Lim provided an explanation. Ms. Petaccia also asked about the OPRA changes requested by several other municipalities. The Township Clerk noted some of the changes requested, pointing out that, so far, only four Morris County municipalities have adopted the resolution. Relative to the proposed resolution authorizing various professional services contracts, Ms. Petaccia questioned if we have used these professionals in the past and, if so, are we paying more this year than in the past. Ms. Lim confirmed that the Township used the services of these professionals in the past; some of the rates probably have increased. Ms. Petaccia asked that the Township, prior to signing any agreements, request “discounts” in light of the economy. Ms. Lim indicated that she would provide the Council with a comparison of last year’s rates with this year’s rates.

With regard to the Vuolo Building, Mr. Fox asked that the appropriate municipal agency check to see if the owner is violating any conditions of the Planning Board approvals. Ms. Petaccia asked if she could get a copy of how many times the owner has been fined for noncompliance.

Christopher J. Brown, 141 Rutgers Lane, indicated that he is Captain of the Rockaway Neck First Aid Squad and a member for the past 21 years. He stated that he is here again to express his continued concerns about the Township’s plan to expand its EMS without documented evidence of need. He provided a quick recap of the events to date, noting the Mayor’s plan to have a task force review the need for a second ambulance to be operated by the Township. The definition of a task force, as he understands it, is a group that works together as a team to best complete the task. He indicated that he was more than willing to take part in this process, which he thought would be a discussion of peers to come up with the best practices for the town, to balance cost effectiveness, and the use of resources, with all members having an equal voice. This was not the case. He did, however, find out six weeks later, that we had a two-week deadline and a private interview before the one and only group meeting, which began with a statement from the Chairman (Dennis Letts) that he already felt what his decision would be and that he would be the one making the recommendation. The fact that the volunteers were responding to the calls had no impact on the decision. Additionally, other options, such as having the office and supplies of the Par-Troy EMS moved to a central location within the Township as opposed to their current location, which is at the farthest northeast corner of the municipality, over two miles from any major highway, were to have been considered. As a member of the Task Force, Mr. Brown advised that he still does not know the official recommendation that will be made to the Mayor; he hopes to read it prior to seeing it in a newspaper article. Per Mr. Brown, the Administration continues to tell the volunteers what they want to hear, but changes these statements when their “backs are turned.” This leads to suspicion of the Administration’s motives. There are other towns around the State ousting volunteers in order to provide full services themselves. He commented that he has heard from this Council that its

members are here to support the volunteer providers; some do. He questioned whether this is all about making money because this is all he has heard during the past four months. Words like “paid professional versus volunteer” are a “slap in the face” to all volunteers, implying that an individual needs to be paid to be a professional. Mr. Brown reaffirmed the commitment that the volunteer members have to the residents and business owners of Parsippany. He hoped that straight and honest answers will be forthcoming from the elected officials that support the volunteers.

Jennifer Thurkauf, 309 South Beverwyck Road, stated that she is the Captain of the Parsippany Volunteer Ambulance Squad and a member for over 17 years. She informed the Council that she is the only member of her squad present this evening because the other individuals indicated to her that they have lost all confidence in “leadership” and feel that a decision was made months ago. She noted that members of her squad have continued to respond to calls. On behalf of her squad, she expressed hope that the Council and the Mayor continue to support the volunteers. She agreed with Mr. Brown that the Task Force was not a task force. Her squad had only one meeting with the Chairman of the Task Force, which didn’t accomplish anything. Regarding the suggestion to relocate EMS 1, the volunteers did some research on their own and discovered that at the OEM Building there are two outside campers parked inside a bay that could easily be located outside and EMS 1 could be moved into that building where it would have storage space and, perhaps, the response time, which seems to be a concern of Ms. Ievoli (Director of the Department of Human Services), could be addressed before action is taken that could result in the loss of volunteers in the Township.

Mayor Barberio reported that he has not received the Task Force’s report yet, but noted that he is supposed to receive it tomorrow. He stated that he takes exception to the fact that Mr. Brown continues to say that this Administration is going behind the volunteers’ backs. This is not true. He indicated to Mr. Brown that he has said, from day one, that his concern is public safety, noting that he has a responsibility to 53,000 residents in addition to 175,000 people during the daytime. Mayor Barberio stated that he admires everything that the volunteers do for the Township and he reiterated that no one is going “behind your back.” He noted that he is very concerned about “call time” whether it comes from EMS or the volunteers.

He explained that he could have made a decision on his own, but created a task force because he thought this would be fairer. How the Task Force was set up was between the parties involved. He reiterated that neither he nor his Administration want to get rid of volunteers; that is an outright lie. This is the last thing he wants to do and he is sure that this is the last thing the Council Members want to do. He does, however, want to make sure that Parsippany is safe during the daytime because that’s when there seems to be problems. Mayor Barberio assured the volunteers that he wants to have open dialogue and communication. He indicated that the volunteers do a fantastic job and they have his support, but he must do what is right for the public safety and health of the residents; it is his legal responsibility. Mayor Barberio stated that he has faith in the Task Force’s Chairman. He advised that he has not spoken with the Chairman yet; he does not know his decision.

Mayor Barberio, Mr. Brown and Ms. Thurkauf continued to discuss the Task Force and the actions of its Chairman, Mr. Letts. Mayor Barberio once again advised that he is waiting for the report. He

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indicated that if the volunteers felt they needed more time prior to the September 15th deadline, they should have advised him. Mr. Brown expressed his view that additional time would not change the “pre-decision” made by the Chairman. Mayor Barberio stated that the bottom line is “public safety,” noting that the daytime population of the Township is going to continue to increase. He confirmed that the Township does “bill” for its services and, in these economic times, that billing is very important. If we have to ask the taxpayers to fund an ambulance, taxes would rise astronomically. We have an expense and now we have a revenue portion to offset it. He sees nothing wrong with this. Ms. Thurkauf questioned whether the Township is adding a second truck to make more money or to address the Mayor’s concern about response times. Mayor Barberio indicated that he has made it clear that the second truck has nothing to do with more revenue; it has to do with safety. Ms. Thurkauf advised that if there are two trucks out, volunteering in the Township will go down in the daytime because volunteers are not going to sit around every day if they don’t receive calls. Mayor Barberio commented that he believes that the volunteers will continue to get calls because he thinks the volume is that high. We don’t know what the calls will be, but we need to be prepared.

Mr. Brown concluded his comments by indicating that the only reason the volunteers are here this evening is because of the “two sets of instructions.” He explained that the Mayor initially gave the volunteers a set of instructions on how the Task Force was going to work, but the Chairman received a different set of instructions. Additional discussion then ensued relative to this topic of concern. The Mayor advised that he will speak to the Chairman tomorrow to see if the Task Force could be extended, but he will not go past September. Ms. Thurkauf indicated that, unless the Task Force is revised, there is no point in the volunteers meeting again because the Chairman has already made his decision. Mayor Barberio indicated that he would speak with Mr. Letts tomorrow and relay the volunteers’ concerns. If the volunteers would like to have two or three more dialogues, Mr. Letts could delay his decision, but not past September 30th. If there is no decision on September 30th, he will make the decision.

Mr. Fox asked the Mayor to ask Mr. Letts if he was predisposed going into the meetings.

Bob Heinzerling, 17 Madison Avenue, indicated that he has been a member of Rockaway Neck First Aid Squad for 22 or 23 years and also served as a past captain. He addressed what he felt a task force should be. He has participated in task forces in the past where all the members, including the chairman met, discussed the issues, requested information, and jointly made a decision, not just one person. It appears, from Mr. Brown’s comments, that Mr. Letts has already made his decision and, if Mr. Letts is conducting private, side meetings with individuals who are not members, his action basically invalidates the Task Force. Mr. Heinzerling questioned what Mr. Letts has in the way of credentials enabling him to make a decision on EMS in Parsippany. This Task Force, as far as he can gather, is a “joke.” He suggested that a new Task Force be formed.

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

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MOTION TO ADJOURN: Mr. Cesaro

SECONDED BY: Mr. Fox

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

MEETING ADJOURNED: 8:34 p.m.

Minutes Approved October 19, 2010