

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

November 9, 2010

Public Invited – Public Participation

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

FLAG SALUTE

Roll Call:

Mr. Cesaro	-	Present
Mr. dePierro	-	Present
Mr. Fox	-	Present
Mr. Stanton	-	Present
Ms. Grossi	-	Present

OTHERS PRESENT: Mayor Barberio; 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 November 23, 2010.

FORMAL ACTION MAY OR MAY NOT BE TAKEN.

Council President Grossi announced that this meeting is being videotaped and will be aired on Cablevision Channel 21 on Sundays at 10:00 a.m.

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.

OATH OF OFFICE – Council Member Brian Stanton

The Township Clerk read, for the record, the Statement of Determination of the Morris County Board of Canvassers relative to an Election held in the Township of Parsippany-Troy Hills on November 2, 2010 for the election of a member of the Township Council to fill an unexpired term. It was determined that, at said Election, Brian Stanton was duly elected to the office.

John Inglesino, Esq. administered the Oath of Office and Allegiance to Brian Stanton as Township Council Member. Councilman Stanton briefly addressed the audience.

PRESENTATION: Mayor Barberio proclaimed **November 9, 2010 as Dylan Edward Pucilowski Day** and presented the “Key to the City” to this special young man who, as a strong advocate for autism, “continues to motivate all of us into becoming the best we can be.”

ORDINANCES

Second Reading(s) and Public Hearing(s) – 11/23/10 ON

White Collar Salary Ordinance (2010:32)

Amending and Supplementing Chapter 290, Parks, Recreation Areas and Public Lands, Article II, Use Regulations; Permit Requirements of the Code (2010:33)

Status of Adopted Ordinances:

<u>Ordinance Title and Number</u>	<u>Adopted Date</u>	<u>Mayoral Action</u>	<u>Effective Date</u>
Amending Municipal Government Transparency Committee (2010:24)	10/19/10	Approved	11/16/10
Amending Blue Collar Salary Ordinance (2010:25)	10/19/10	Approved	11/16/10
Purchase of Block 338, Lot 2 for Open Space (2010:26)	10/19/10	Approved	11/16/10
Amending Storm Sewer System Chapter (2010:27)	10/19/10	Approved	11/16/10
Deleting Code Sections 225-15 and 225-26 – Recordings of Hearings (2010:28)	10/19/10	Approved	11/16/10
Through Streets/Multi-Way Stops – Beachwood and Longport Roads (2010:29)	10/19/10	Approved	11/16/10
New Bus Stop Locations (2010:30)	10/19/10	Approved	11/16/10
Traffic on Private Property – Hunting Ridge Town Homes (2010:31)	10/19/10	Approved	11/16/10

DISCUSSION/REMINDERS

Scheduled Meetings

11/23/10 @ 7:30 p.m.

Regular Meeting

Public Invited – Public Participation

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

Agenda Meeting

Public Invited – Public Participation

Minutes for Approval:

Agenda Meeting of 10/12/10 ON*

Closed Session of 10/12/10 (Approval Only, Disclosure Upon Authorization of Township Attorney) ON*

Regular Meeting of 10/19/10 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 rewritten ordinance will be ready for introduction at the Regular Meeting. **INTRODUCTION – ON**

*** 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)

(* Change of Term Limits Pursuant to Ordinance No. 2010:24 Becomes Effective 11/16/10)

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Mr. Cesaro noted that the Council received resumes from four citizens interested in serving on this committee. He made a motion to appoint the following individuals to serve as members, noting that once the amending ordinance becomes effective on November 16, 2010, all current terms will expire December 31, 2010: Thomas Roman, Anita Pesceovich, David Kraemer, and Victor Jusino. The motion was seconded by Council President Grossi.

Roll Call:

Mr. Cesaro - Yes
Mr. dePierro - Yes
Mr. Fox - Yes
Mr. Stanton - Yes
Ms. Grossi - Yes

Board of Adjustment

Alternate Member #2 – Vacancy, Term Expiring 12/31/10

Mr. Stanton nominated Brian Kelley to fill the vacancy. The nomination was seconded by Mr. Fox.

Roll Call:

Mr. Cesaro - Yes
Mr. dePierro - Yes
Mr. Fox - Yes
Mr. Stanton - Yes
Ms. Grossi - Yes

Resolution(s):

Approving the 2011 Council Meeting Schedule (11/10) ON*

Ordinance(s):

Amending and Supplementing Section 4-58, Public Records (11/10) INTRODUCTION- ON

MAYOR

No agenda items.

ADMINISTRATION

BID(S)

Taken:

- 10/28/10 Lease of Public Property (Antennae on Township Water Storage Facilities)**
AWARD*
- 10/28/10 Yard Waste Transportation and Disposal/Recycling** Ms. Lim noted that the prices came in almost at half of what the Township is currently paying for this service. She noted that, two years ago, the bids reflected the gas crisis. **AWARD***
- 11/4/10 One New and Unused Combination Turf Tractor, Large Area Mower and Debris Blower for the Knoll Country Club** **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 **NEXT AGENDA**

Requested:

11/16/10 @ 11:00 a.m. Quotations for Energy Agent Consulting Services Ms. Lim explained that the Township is seeking the services of a registered Energy Agent to assist in the procurement of electricity for the Wastewater Treatment Plant. She stated that she would like the award of this contract added to the agenda for the November 23, 2010 Regular Meeting if the quotations are acceptable.

ADDITIONAL MATTER DISCUSSED:

Mr. Fox commented that Mayor Barberio discussed on television the potential of **renting advertising space** on our water towers, garbage trucks, etc. He asked the Mayor if he has an estimate of the amount of money that would be generated. Mayor Barberio indicated that he has not received any quotes as of this time. He explained that, as everyone knows, we lost \$1.2 million in revenue last year and we will probably see the same loss this year; we have to find innovative ways to raise money to offset the losses we have experienced now and will experience in the future.

Mr. dePierro congratulated the Mayor for thinking “outside of the box,” but pointed out that Parsippany has very stringent sign ordinances to prohibit site pollution. Unless selling space for advertising is going to save a tax point or two, he will not support it. Mr. dePierro felt that we shouldn’t sell advertising space unless the revenue is significant. Additionally, Mr. dePierro noted that he saw in the newspaper that Smith Field was mentioned. He pointed out that the Smith Family were prominent residents in Parsippany years ago; the name of the field has historic significance. Mayor Barberio explained that the Township wouldn’t be removing the Smith Family name from the field, but simply adding the advertiser’s name. Council President Grossi felt that Mr. dePierro’s comments are noteworthy, but she added that, in these difficult times, we will need to think “out of the box” on a lot of things. Not one thing in particular may generate a tax point, but a combination of initiatives generating revenue would be significant. We need to look at the cumulative effect of a number of avenues to generate funds. Mr. Fox stated that, no matter what we do, sunset provisions should be in place so that when the economy turns around we have the option to eliminate advertising signs, for example. Mayor Barberio advised that the Township would set the terms and conditions.

Presentation by Aida Visakay (AxisPointe, Inc.) and Ryan Graham (Fairview Insurance Agency Associates, Inc.) regarding **Employee Health Insurance Renewal** (11/10)

By way of a power point presentation, Ms. Visakay reviewed the following:

- **Components of Health Insurance Rates** - fixed costs; trend (approximately 12 to 14% increase per year); demographics (make-up of group); reserve (money put aside for unexpected claims, usually 7 to 8% of the premium)/terminal liability (on a self insured plan is the portion of money that underwriters feel would be needed if, for example, the Township left the present carrier in order to pay the claims that come in, actuarially about 2½ months of claims); claims (approximately 80% of the contract) equals (=) the rate. The only way to save substantial money is by reducing claims.
- **Requests for Proposals** to provide coverage equal to or better than current carrier (Cigna – current carrier; Aetna – declined to quote; AmeriHealth – non-competitive +54% increase; Horizon BCBS – declined to quote; Oxford/United Healthcare – declined to quote; NJ Municipal Employee Benefits Fund – still has not responded; United Medical Resources – declined to quote; NJSHBP – State Insurance Fund – 2011 rates are posted on Internet; Insurance Design Adm. (IDA) third party administrators – self funded plan recommended by Ms. Visakay and Mr. Graham
- **Annual Premium Plan Comparison**
 - (1) Cigna (2010: \$7,713,108; 2011 renewal: \$12,081,549) – a 56.63% increase, currently revised to a 51.8% increase above current cost for a somewhat reduced annual premium);
 - (2) NJSHBP - \$7,901,305 annual premium, 2.44% increase above current for a plan that is not equal to or better than current carrier;
 - (3) IDA expected 2011 premium: \$7,226,579 (decrease of 6.31% from current); maximum worst case scenario: \$8,906,222 (a 15.47% increase); with terminal liability: \$10,482,813 (a 35.91% increase).

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- **Self Insured Breakdown of Cost**
 - \$73,800 – Wellness Program
 - \$1,338,583 – Fixed Charges
 - \$7,567,639 – Claims
 - \$1,576,591 – Terminal Liability Charges
- **Wellness Program** – the importance of coaching employees on how to avoid, prevent and self-manage conditions or symptoms in order to reduce claims
- **Loss Ratio History** in 2004 was 75%; in **2010 it was 109%**
- **Renewal History** for past five years

Ms. Visikay emphasized that the key is to control the claims; that is why the wellness program is so important.

Ms. Visikay, Mr. Graham and Ms. Lim responded to Council Members' questions and concerns.

Recommendations, such as an increase in the co pay for emergency room care and the possibility of mandatory attendance at wellness fairs or seminars, were noted. Mayor Barberio emphasized that the Township will be increasing its health education and wellness programs.

The transition from one plan to another is a concern. Ms. Visikay indicated that, unfortunately, there are no guarantees that disruptions will not occur. There are always disruptions when you move from one carrier to another – some people will gain; some people will lose. Ms. Visikay assured the Council that AxisPointe will try to make the transition as smooth as possible. Ms. Lim noted that if a doctor is not in-network, IDA will try to recruit that doctor to come into the network.

Ms. Lim indicated that a resolution authorizing an agreement with IDA will be listed on the November 23, 2010 Meeting Agenda, but the Administration would like to commence the enrollment process and asked if the Council Members could give some indication that they are in favor of this course of action. Council President Grossi asked that a “straw poll” be taken. The Township Clerk called the roll:

Roll Call:

Mr. Cesaro	-	Yes
Mr. dePierro	-	Yes
Mr. Fox	-	Yes
Mr. Stanton	-	Yes
Ms. Grossi	-	Yes

Resolution(s):

Authorizing the Sale of Municipal Property to the RVRSA (11/10) A motion was made by Mr. Cesaro, seconded by Mr. Fox, to adopt the following resolution:

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE SALE OF MUNICIPAL PROPERTY TO THE ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY

WHEREAS, the Rockaway Valley Regional Sewerage Authority (RVRSA) has offered to purchase from the Township a Dorr-Oliver clarifier drive unit, serial number 51649-1; and

WHEREAS, the Acting Superintendent of the Sewer Utility has recommended the sale, as this device is no longer needed for public use; and

WHEREAS, this sale is made pursuant to N.J.S.A. 40A:11-36(2) without competitive bidding.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, Morris County, New Jersey that it does hereby authorize the sale of a Dorr-Oliver clarifier drive unit, serial number 51649-1 for a price of \$15,000 to the Rockaway Valley Regional Sewerage Authority.

Roll Call:

Mr. Cesaro - Yes
Mr. dePierro - Yes
Mr. Fox - Yes
Mr. Stanton - Yes
Ms. Grossi - Yes

Ordinance(s):

Amending Various Provisions of Chapter 213, Housing and Property Maintenance, and Chapter 214, Housing Certificates, of the Code (11/10) **INTRODUCTION – ON**

Increasing Knoll Membership Fees (11/10) Mr. dePierro indicated that he has a problem increasing membership fees. He stated that the Knoll is currently self-sustaining as revenue equals expense and there is still a surplus. He does not see any need to increase membership fees this year. The Knoll Country Club, per Mr. dePierro, is one of the few golf courses that still has a waiting list because it is a great course and the rates are reasonable. If we start raising fees, we may not generate the revenue we think we will generate because we will lose members and we will lose “play.” This is not the year we should be raising fees when we have sufficient funds to carry us through 2011. Mayor Barberio advised there will be a need to use the existing surplus this year; that is why the Superintendent (Mr. DeFalco) is recommending the increase in membership fees for the West Course. The Mayor pointed out that fees have not been raised in four years and, prior to that increase, fees were not raised in nine years. Mayor Barberio noted that the Superintendent is concerned about losing the Knoll’s surplus; the consensus was not to wait to lose the surplus to raise fees. Ms. Lim advised that the current surplus is under \$200,000. She reviewed the increases

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for individual and corporate memberships. Mr. dePierro stated that the Advisory Committee reviewed the numbers and felt that the Knoll could get through 2011 without increasing membership fees. He understands that Mr. DeFalco wants to “play safe,” but the Advisory Committee did not see any risk. Council President Grossi suggested that the Council move the ordinance forward for introduction. She noted that Council Members will have an opportunity to vote at that time. She urged the Council Members to seriously consider the matter, taking both the Mayor’s and Mr. dePierro’s comments into consideration. **INTRODUCTION – ON**

ENGINEERING

Update/Recommendation(s):

Italicized comments below are excerpts from a November 3, 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 has taken place with the developer but there has been no resolution at this time.* **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) *I met with the residents and reviewed their concerns. We are investigating the drainage in the entire tract and will make recommendations to best address the issues. The residents are in agreement that a new drainage swale to be constructed along several properties will help alleviate the drainage issues. The contractor is willing to construct the swale. Work has started and a new inlet was installed on James Street. Construction of the swale has been completed as requested and agreed to by the residents. We will monitor the drainage during the next several rain events to evaluate its effectiveness.* **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**

Private Storm Drain Inlet Retrofit Ordinance (11/10) *New revisions to the Township’s Stormwater Management General Permit issued by the State require that all existing storm drain inlets on private properties be retrofitted to prevent the discharge of solids and floatables into the*

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storm sewer system when adjacent to an area being repaved, reconstructed etc. An ordinance must be adopted pursuant to this requirement.

*This new ordinance spells out the requirement and the need for a permit to approve, inspect and enforce compliance. The permit will be a private site improvement permit with a fee of \$50. An Ordinance will need to be adopted by the Township Council. **INTRODUCTION – ON***

Mazdabrook Residential West (Block 736, Lot 7) Performance Bond Release (11/10) *The developer has completed all required site construction activity of the performance guarantee and has provided a 2- year maintenance bond in accordance with our requirements. Inspections have been made at the site during the course of construction and this office has no objection to the release of the performance bond and acceptance of the improvements and the 2-year maintenance bond. A Resolution will need to be adopted by the Township Council.*

RESOLUTION - ON*

CHIEF FINANCIAL OFFICER

Resolution(s):

Exempting 100% Permanently and Totally Disabled Veteran From the Payment of Real Estate Taxes – Block 199, Lot 24 (11/10) ON*

Cancelling Outstanding Checks Totaling \$126 in the Municipal Court General Account to Fund Balance in the Current Fund (11/10) ON*

Cancelling Outstanding Checks Totaling \$786 in the Municipal Court Bail Account to Fund Balance in the Current Fund (11/10) ON*

Transfers of 2010 Appropriations – Current Fund (11/10) A motion was made by Mr. dePierro, seconded by Mr. Fox, to adopt the following resolution:

BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the following transfers between appropriations be and the same are hereby authorized to be made in conformity with the State Statutes in such cases made and provided, and

BE IT FURTHER RESOLVED that the Chief Financial Officer be and is hereby authorized to make the necessary entries on the books and 2010 budget in connection with said transfers:

<u>CURRENT FUND</u>	FROM	TO
Vehicle Maintenance:		
Other Expenses	175,000.00	
Interest on Bonds	10,000.00	
Department of Law:		
Other Expenses	20,000.00	

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Insurance:		
Worker Compensation		175,000.00
Payment of Bond Principal		10,000.00
Division of Assessing:		
Other Expenses		20,000.00
TOTAL	205,000.00	205,000.00

Roll Call:

Mr. Cesaro - Yes
Mr. dePierro - Yes
Mr. Fox - Yes
Mr. Stanton - Yes
Ms. Grossi - Yes

**Amending Adopted Budget – State of New Jersey, Division of Highway Traffic Safety
Pedestrian Safety Program FY 2011 (11/10) ON***

ATTORNEY

Resolution(s)

Authorizing Settlements of Tax Appeals:

- (1) EBI, LP, 6 Upper Pond Road, Block 136, Lot 43.7**
- (2) 8 Sylvan Way, LLC/Bellemead Development Co., 8 Sylvan Way, Block 202, Lot 1.11**
- (3) 1 Campus Assoc., LLC, 3 Campus Drive, Block 202, Lot 3.12**
- (4) Bellemead Development Corp., Waterview Blvd., Block 421, Lot 29**
- (5) Realty ASC Fund VI, LP, 339 Jefferson Road, Block 736, Lot 14.1**
- (6) Gannett Co., Inc., 800 Jefferson Road, Block 740, Lot 4 (11/10) ON***

TOWNSHIP OFFICES / COMMITTEES

No Agenda Items

COMMUNICATIONS

Correspondence:

None

Resolution(s):

Roxbury Township – Opposing A-2095 Which Revises Requirements for Medical Service Delivery Mr. dePierro recommended that the Council adopt a similar resolution. **ON***

APPLICATION(S):

License(s):

2011 Renewal of Licenses – Amusement Games, Entertainment, Taxi/Limo, Tourist Accommodations, Truck Terminal (11/10) ON*

***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, submitted information from the Federal Register about the sound level requirements for the wayside horns. He advised that wayside horns can be as low as 92 decibels. He noted that he received an email from the FRA (Federal Railroad Administration) indicating that this has not changed. He commented that people may be concerned about the cost, but he feels we can get money from the County and the New Jersey DOT that may cover the entire cost. Additionally, Mr. Simpson questioned why the Engineering Report does not indicate that the Engineering Department is working on this matter. Mayor Barberio advised that there has been no update since the last time he spoke with Mr. Lizza (Municipal Engineer). Council President Grossi asked that this be included on the Engineering Report in the future. Mr. Simpson indicated that he has provided enough information for the Township to determine how many residents are in the area of the impact zone. He estimates the number at about 750, but it could be more. Mayor Barberio advised that he will direct the Engineering Division to do a study. Mr. Simpson stated that he does not want everybody to think that he is the only person annoyed by the horns.

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

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A motion was made by Mr. dePierro, seconded by Mr. Cesaro, to convene in closed session to discuss contract negotiations (relative to a shared service agreement for the services of a health officer) and litigation (tax appeal settlements). Resolution Attached.

Upon reconvening in open session at 9:10 p.m., Council President Grossi advised that a resolution authorizing an Interlocal Agreement with East Hanover for shared services and resolutions authorizing the settlements of certain tax appeals will be considered at the November 23, 2010 Regular Meeting

A motion was made by Mr. dePierro, seconded by Mr. Stanton, to adjourn.

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

MEETING ADJOURNED: 9:11 p.m.

Minutes Approved: December 14, 2010

RE: Contract Negotiations (relative to a shared service agreement for the services of a health officer) and litigation (tax appeal settlements)
DATE: November 9, 2010
TIME: 8:45 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:

Contract Negotiations and 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	-	Yes

MOTION TO ADJOURN CLOSED SESSION BY: Mr. Cesaro
SECONDED BY: Council President Grossi

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

CLOSED SESSION ADJOURNED: 9:09 p.m.